



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

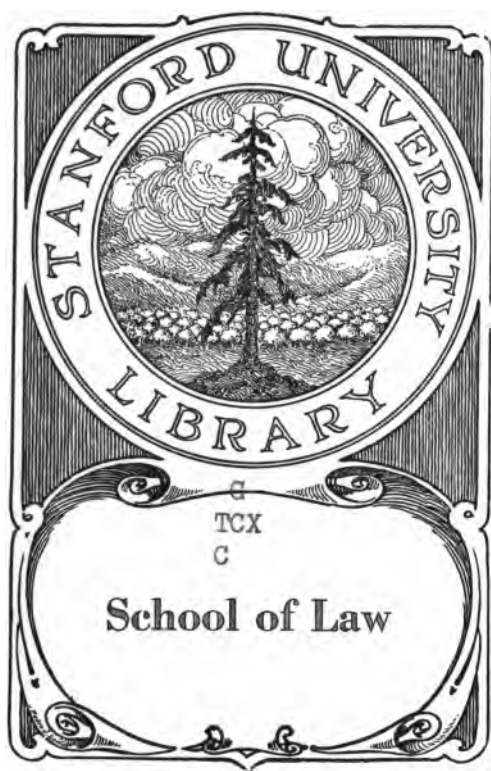
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





9³⁰

4⁵⁰

ACTS

OF

A GENERAL NATURE,

PASSED AT THE FIRST SESSION

OF THE

THIRTY SECOND GENERAL ASSEMBLY

OF

THE STATE OF OHIO,

BEGUN AND HELD IN THE TOWN OF COLUMBUS,

DECEMBER 2, 1833,

AND THE THIRTY SECOND YEAR OF SAID STATE.

VOL. XXXII.

PUBLISHED BY AUTHORITY.

STANFORD LIBRARY
COLUMBUS:

DAVID SMITH, STATE PRINTER,

1834.

126425

JAN 14 1948

VIA RAIL CROCIATE

GENERAL LAWS.

AN ACT to regulate the time of holding the Judicial Courts.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court shall be holden in the several counties, at the times hereinafter mentioned, to wit: In the county of Pike on the seventh day of April, in the county of Jackson on the ninth day of April, in the county of Gallia on the eleventh day of April, in the county of Lawrence on the fourteenth day of April, in the county of Scioto on the sixteenth day of April, in the county of Adams on the nineteenth day of April, in the county of Brown on the twenty third day of April, in the county of Clermont on the twenty eighth day of April, in the county of Hamilton on the second day of May, in the county of Butler on the thirtieth day of May, in the county of Warren on the second day of June, in the county of Clinton on the sixth day of June, in the county of Highland on the twelfth day of June, in the county of Fayette on the fourteenth day of June, in the county of Greene on the sixteenth day of June, in the county of Montgomery on the nineteenth day of June, in the county of Preble on the twenty fifth day of June, in the county of Dark on the twenty eighth day of June, in the county of Mercer on the thirtieth day of June, in the county of Allen on the first day of July, in the county of Miami on the second day of July, in the county of Shelby on the fifth day of July, in the county of Logan on the seventh day of July, in the county of Hardin on the eighth day of July, in the county of Champaign on the ninth day of July, in the county of Clark on the fourteenth day of July, in the county of Madison on the seventeenth day of July, in the county of Union on the nineteenth day of July, in the county of Delaware on the twenty first day of July, in the county of Marion on the twenty third day of July, in the county of Crawford on the twenty fifth day of July, in the county of Seneca on the twenty eighth day of July, in the county of Hancock on the twenty ninth day of July, in the county of Williams on the thirty first day of July, in the county of Wood on the second day of August, in the county of Sandusky on the fourth day of August, in the county of Huron on the sixth day of August, in the county of Lorain on the eleventh day of August, in the county of Cuyahoga on the twelfth day of August, in the county of Geauga on the eighteenth day of August, in the county of Ashtabula on the twenty fifth day of August, in the county of Trumbull on the twenty ninth day of August, in the county of Portage on the fifth day of September, in the county of Medina on the tenth day of September, in the county of Wayne on the twelfth day of September, in the county of Richland on the fifteenth day of September, in the county of Knox on the

Times of holding the Supreme court.

eighteenth day of September, in the county of Licking on the twenty second day of September, in the county of Coshocton on the twenty sixth day of September, in the county of Holmes on the twenty ninth day of September, in the county of Tuscarawas on the first day of October, in the county of Stark on the third day of October, in the county of Carroll on the sixth day of October, in the county of Columbiana on the eighth day of October, in the county of Jefferson on the tenth day of October, in the county of Harrison on the fifteenth day of October, in the county of Belmont on the seventeenth day of October, in the county of Monroe on the twentieth day of October, in the county of Guernsey on the twenty first day of October, in the county of Muskingum on the twenty third day of October, in the county of Morgan on the twenty ninth day of October, in the county of Washington on the thirty first day of October, in the county of Meigs on the third day of November, in the county of Athens on the fifth day of November, in the county of Hocking on the seventh day of November, in the county of Perry on the tenth day of November, in the county of Fairfield on the twelfth day of November, in the county of Ross on the seventeenth day of November, in the county of Pickaway on the twenty sixth day of November, in the county of Franklin on the first day of December; and the Court in Bank shall commence and be holden on the fourth day of December.

Court in bank
when holden.

Sec. 2. That the Court of Common Pleas in the first circuit shall commence and be holden as follows: In the county of Montgomery on the tenth day of March, on the fourteenth day of July, and on the twenty second day of September; in the county of Preble on the thirty first day of March, on the twenty eighth day of July, and on the thirteenth day of October; in the county of Miami on the seventh day of April, on the fourth day of August, and on the twentieth day of October; in the county of Shelby, on the twenty first day of April, on the eleventh day of August, and on the twenty seventh day of October; in the county of Allen on the twenty eighth day of April, and on the third day of November; in the county of Putnam on the fifth day of May, in the county of Mercer on the eighth day of May, and on the sixth day of November; and in the county of Dark, on the twelfth day of May, on the eighteenth day of August, and on the twenty fourth day of November.

1st. Circuit.

Times of holding courts
therein.

Sec. 3. That the courts of Common Pleas in the second circuit shall be holden as follows, to wit: In the county of Marion on the tenth day of March, the thirtieth day of June, and the first day of September; in the county of Crawford on the seventh day of March, and the eighth day of September; in the county of Huron on the twenty third day of March, the ninth day of June, and the third day of November; in the county of Hancock, on the fourteenth day of April, and the sixth day of October; in the county of Williams on the seventeenth day of April, and the ninth day of October; in the county of Wood, on the twenty first day of April, and the thirteenth day of October, in the county of Sandusky, on the twenty eighth day of April, and the twentieth day of October; in

2nd Circuit.

Times of holding courts
therein.

the county of Seneca, on the fifth day of May, and the twenty seventh day of October.

Sec. 4. That the courts of Common Pleas in the third circuit shall be holden as follows, to wit: In the county of Portage on the first Monday in March, the last Monday in May, and the fourth Monday in September; in the county of Cuyahoga on the third Monday in March, the first Monday in June, and the first Monday in October; in the county of Geauga on the fifth Monday in March, the second Monday in June, and the third Monday in October; in the county of Ashtabula, on the second Monday in April, the third Monday in June, and the first Monday in November; and in the county of Trumbull, on the fourth Monday in April, the fourth Monday in June, and the third Monday in November.

3d Circuit.

Times of holding courts therein.

Sec. 5. That the courts of common pleas for the fourth circuit, shall be holden as follows, to wit: In the county of Monroe on the first Monday of March, on the first Monday of June, and the fourth Monday of September; in the county of Belmont on the second Monday of March, on the second Monday of June, and on the fifth Monday of September; in the county of Guernsey on the fourth Monday of March, on the third Monday of June, and the first Monday of October; in the county of Licking on the fifth Monday of March, on the fourth Monday of June, and on the third Monday of October; in the county of Coshocton on the first Monday of April, on the fifth Monday of June, and the fourth Monday of October; in the county of Muskingum on the second Monday of April, on the second Monday of July, and the first Monday of November.

4th Circuit.

Times of holding courts therein.

Sec. 6. That the courts of common pleas for the fifth circuit, shall be holden as follows, to wit: In the county of Harrison on the thirty first day of March, the twenty third day of June, and the twentieth day of October; in the county of Tuscarawas on the fourteenth day of April, the fourth day of August, and the twenty eighth day of October; in the county of Stark on the twenty first day of April, the eleventh day of August, and the third day of November; in the county of Carroll on the twenty ninth day of April, the eighteenth day of August, and on the eleventh day of November; in the county of Columbiana on the fifth day of May, the twenty fifth day of August, and the seventeenth day of November; in the county of Jefferson on the nineteenth day of May, the first day of September, and the twenty fourth day of November.

5th Circuit.

Times of holding courts therein.

Sec. 7. That the courts of common pleas for the sixth circuit, shall be holden as follows, to wit: In the county of Fairfield on the fourth Monday of February, the third Monday in May, and the second Monday in September; in the county of Hocking on the first Friday after the first Monday in March, on the first Friday after the fourth Monday in May, and on the first Friday in September; in the county of Perry on the second Monday in March, the first Monday in June, and the first Monday in September; in the county of Ross on the third Monday in March, the

6th Circuit.

Times of holding courts therein.

second Monday in June, and the fourth Monday in September; in the county of Pike on the fifth Monday in March, the fifth Monday in June, and the first Monday in October; in the county of Jackson on the third Monday in April, the fourth Monday in June, and the first Wednesday after the second Tuesday in October; and in the county of Pickaway on the fourth Monday in April, the second Monday in July, and the third Monday in October.

7th Circuit.

Times of holding courts therein.

Sec. 8. That the courts of common pleas for the seventh circuit, shall be holden as follows, to wit: In the county of Greene on the third Monday of May, the first Monday in September; and on the fourth Monday in November; in the county of Butler on the third Monday of March, the third Monday of July, and the third Monday of October; in the county of Clinton on the first Monday of April, the fourth Monday of June, and the third Monday of September; in the county of Warren on the third Monday of April, the second Monday of August, and the second Monday of November.

8th Circuit.

Times of holding courts therein.

Sec. 9. That the courts of common pleas for the eighth circuit, shall be holden as follows, to wit: In the county of Scioto on the twenty fourth day of February, the twenty first day of July, and the seventeenth day of November; in the county of Lawrence on the tenth day of March, the fourteenth day of July, and the twelfth day of November; in the county of Gallia on the seventeenth day of March, the seventh day of July, and the fifth day of November; in the county of Meigs on the twenty fourth day of March, the thirtieth day of June, and the twenty seventh day of October; in the county of Athens on the thirty first day of March, the ninth day of June, and the sixth day of October; in the county of Morgan on the seventh day of April, the sixteenth day of June, and the fifteenth day of October; and in the county of Washington on the fourteenth day of April, the twenty third day of June, and on the twenty second day of October.

9th Circuit.

Times of holding courts therein.

Sec. 10. That the county of Hamilton shall compose the ninth judicial circuit; and there shall be three stated terms of the court of common pleas, which shall commence and be holden therein on the third Tuesday in February, the first Monday in August and the first Monday in December, in the year eighteen hundred and thirty four, and on the first Monday in April, the first Monday in August, and the first Monday in December, in each year thereafter, to which stated terms all process of a civil nature shall be returnable, and the court of common pleas of Hamilton county, shall have power to hold a special session, at any time, by adjournment made at the close of a stated session, to examine and take the proof of wills, grant letters testamentary thereon, to grant letters of administration on intestate estates, and to hear and determine all causes and matters of a probate and testamentary nature; to appoint guardians, and to call executors, administrators, and guardians to account; to grant auction, tavern, and ferry license; and to take cognizance of all crimes, offences, and misdemeanors to which special session all process, recognizances, and proceedings of a

criminal nature, depending or commenced or entered into after such adjournment, and before the close of such special session, shall be continued or made returnable as the case may require; and the grand and petit jurors in attendance at the term when such adjournment is made, shall attend and serve as grand and petit jurors at such special session; and if from any cause there shall not be a sufficient number of jurors in attendance, to make up the panel, the court shall direct the sheriff to supply the deficiency by summoning an adequate number.

Sec. 11. That the courts of common pleas for the tenth circuit, shall be holden as follows, to wit: In the county of Fayette on the first Monday in March, the first Monday in June, and the first Monday in October; in the county of Highland on the second Monday in March, the fourth Monday in June, and the second Monday in October; in the county of Adams on the third Monday in March, the fourth Monday in July, and the third Monday in October; in the county of Brown on the fifth Monday in March, the second Monday in August, and the first Monday in November; and in the county of Clermont on the second Monday in April, the fourth Monday in August, and the third Monday in November. 10th Circuit.
Times of holding courts therein.

Sec. 12. That the Courts of Common Pleas in the eleventh circuit shall be holden as follows, to wit: in the county of Richland on the fourth Monday in February, the second Monday in May, and the third Monday in November; in the county of Knox, on the third Monday in March, the fourth Monday in May, and the first Monday in October; in the county of Holmes on the fourth Monday in March, the first Monday in June, and the second Monday in October; in the county of Wayne on the fifth Monday in March, the second Monday in June, and the third Monday in October; in the county of Medina, on the first Monday in April, the third Monday in June, and the fourth Monday in October, in the county of Lorain, on the second Monday in April, and the first Monday in November. 11th Circuit.
Times of holding courts therein.

Sec. 13. That the Court of Common Pleas in the twelfth circuit shall commence and be holden as follows: in the county of Franklin on the tenth day of February, the second day of June, and the fifteenth day of September; in the county of Madison on the twelfth day of March, on the eighteenth day of June, on the first day of October; in the county of Clark on the seventeenth day of March, on the twenty eighth day of July, and on the twentieth day of October; in the county of Champaign on the twenty seventh day of March, the seventh day of August, and on the thirtieth day of October; in the county of Logan on the seventh day of April, the eighteenth day of August, and on the tenth day of November; in the county of Hardin on the fourteenth day of April, and on the seventeenth day of November; in the county of Union, on the seventeenth day of April, the twenty fifth day of August, and the twentieth day of November; in the county of Delaware on the twenty first day of April, the first day of September, and the twenty fourth day of November. 12th Circuit.
Times of holding courts therein.

Sec. 14. That if any of the days fixed upon by this act for the commencement of a term, either of the Supreme Court or of any of the Courts of Common Pleas, should be on the first day of the week, said term shall commence on the next succeeding day.

Sec. 15. That the clerk of the Court of Common Pleas in any county in this state wherein the Court of Common Pleas is appointed to be holden, and where there is not sufficient time to issue writs of venire facias as is now required by law, shall issue such writs at any time before the sitting of such court, or the court when met may order such writs returnable forthwith, and the sheriff of any such county when receiving such writs, shall serve the same and make return thereof agreeably to the commands of such writ, and such service and return shall be as valid in law as if such writ had been issued thirty days previous to the sitting of said court, and had been served ten days previous thereto; **Provided,** that all writs and process heretofore issued shall be returnable; and all causes pending shall be continued to the next term of the several courts as provided for in this act.

Sec. 16. That the act to regulate the times of holding judicial courts passed January 31st, 1833, and the act supplementary thereto passed February 12th, 1833, be, and the same are hereby repealed.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 5, 1834.

AN ACT to amend an act entitled "an act to protect the Fur trade in the county of Huron."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall within the county of Huron, kill or destroy any otter, mink, martin or muskrat, after the first day of April, and before the first day of December, he shall, for every such offence, forfeit and pay the sum of two dollars, to be collected in an action of debt, before any justice of the peace of the proper township: *Provided,* That this act shall not affect any person owning or superintending any canals, mill dams or other water works, where they shall be injurious to such works.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

December 24, 1833.

AN ACT to amend an "act regulating sales at Auction."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any person by himself, or by Vender may sell by himself or agent. any person by him selected for that purpose, to sell at public vendue, either on the premises of the owner or elsewhere, any real estate, horses, sheep, hogs, neat cattle, household furniture, or utensils of husbandry, whether such person be a licensed auctioneer or not, any law to the contrary notwithstanding. Real estate or other property

Sec. 2. That so much of "an act regulating sales at auction," Repealing clause. passed March the 14th, 1831, as is inconsistent with the provisions of this act, be, and the same are hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

January 2, 1834.

AN ACT to repeal the proviso of the ninth section of the "act to authorize the selection, location, sale and application of the proceeds of the lands granted by Congress to aid the state of Ohio in extending the Miami canal."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the proviso contained in the ninth section of the act entitled "an act to authorize the selection, location, sale and application of the proceeds of the lands granted by Congress to aid the state of Ohio in extending the Miami canal," passed December thirty one, eighteen hundred thirty one, be, and the same is hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

January 18, 1834.

AN ACT dividing the State of Ohio into Judicial Circuits.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of holding the courts of common pleas, the state shall be, and hereby is divided into twelve circuits, as follows, to wit: The first circuit shall be composed of the counties of Preble, Montgomery, Miami, Shelby, Allen, Putnam, Mercer and Dark. The second circuit shall be composed of the counties of Marion, Crawford, Seneca, Sandusky, Wood, Williams, Huron and Hancock. The third circuit shall be composed of the counties of Trumbull, Ashtabula, Geauga, Cuyahoga and Portage. The fourth circuit shall be composed of the counties 4th circuit

of Muskingum, Licking, Coshocton, Guernsey, Belmont and Monroe. The fifth circuit shall be composed of the counties of Harrison, Carroll, Tuscarawas, Stark, Columbiana and Jefferson. The sixth circuit shall be composed of the counties of Ross, Pickaway, Fairfield, Perry, Hocking, Pike and Jackson. The seventh circuit shall be composed of the counties of Butler, Warren, Greene and Clinton. The eighth circuit shall be composed of the counties of Scioto, Lawrence, Gallia, Meigs, Athens, Morgan and Washington. The ninth circuit shall be composed of the county of Hamilton. The tenth circuit shall be composed of the counties of Clermont, Brown, Adams, Highland and Fayette. The eleventh circuit shall be composed of the counties of Lorain, Medina, Wayne, Holmes, Knox and Richland. And the twelfth circuit shall be composed of the counties of Clark, Madison, Franklin, Delaware, Union, Logan, Hardin and Cham-paign.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

January 24, 1834.

AN ACT for the relief of the purchasers of the Miami canal lands.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all persons who have or may hereafter purchase land at the land office for the sale of the Miami canal lands, and have paid the purchase money therefor, when the same land had been previously sold and conveyed, such purchaser shall be entitled to receive out of the state treasury, on the order of the auditor of state, the amount which such purchaser has paid, to be deducted from any money in the treasury arising from the sale of the Miami canal lands.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 3, 1834.

AN ACT fixing the age of majority.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all male persons of the age of twenty one years and upwards, and all female persons of the age of eighteen years and upwards, and who are under no legal disability, shall be capable of contracting respecting goods, chattels, lands, tenements and any other matter or thing which may be the legitimate subject of a contract, and shall be to all intents and purposes, held and consid-

ered to be of full age, any law or custom to the contrary notwithstanding.

Sec. 2. That all laws and parts of laws within this state, which restrain any unmarried female person, of the age of eighteen years and upwards, from making any contract, or from conveying any lands, tenements or hereditaments, be, and they are hereby repealed, so far as they are inconsistent with the provisions of this act.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 17, 1834.

AN ACT farther to authorize notaries public to take affidavits and administer oaths.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where it may be necessary to accompany notarial protestations, attestations, depositions, or other instruments of writing with additional evidence, notaries public shall be, and they are hereby authorized to send for witnesses, to take affidavits and administer oaths for that purpose, and to charge the same fees therefor as magistrates or notaries public are now authorized by law to do in like cases.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 20, 1834.

AN ACT to amend the act regulating the times of holding the Judicial courts.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the April term of the Court of Common Pleas of the county of Coshocton shall be holden upon the twenty first day of April, instead of the seventh day of April as is provided by the act to which this is amendatory; the April term of the Court of Common Pleas of Muskingum county upon the twenty eighth day of April, instead of the fourteenth day of April, and the July term of the Court of Common Pleas of Muskingum county upon the twenty first day of July, instead of the fourteenth day of July; in the county of Crawford on the seventeenth day of March, instead of the seventh day of March; and in the county of Huron on the twenty fourth day of March, instead of the twenty third day of March.

Sec. 2. That so much of the act to which this is amendatory

as comes within the purview of this act, be, and the same is hereby repealed. This act shall take effect and be in force from and after the passage thereof.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 20, 1834.

AN ACT to provide for the revaluation of real property in this State.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,*

county commissioners to
appoint one at
March session

That the commissioners of each and every organized county in this state shall, at their March session, in the year one thousand eight hundred and thirty four, appoint some suitable person, resident in such county, as appraiser of the real estate in such county: Provided, that the county commissioners of the county of Hamilton may, in like manner, appoint an additional appraiser of real estate for the city of Cincinnati; and if a vacancy shall at any time happen in the office of appraiser as aforesaid, for any cause whatever: before the duties required of such appraiser shall be fully completed, then and in that case the county commissioners shall fill such vacancy, and the appraiser so appointed shall hold his office until the first day of March, in the year one thousand eight hundred and thirty five, if he shall so long behave well: Provided, that nothing in this section shall prevent the county commissioners of any county from appointing such assistants to the appraisers as they may think proper.

assistants

Sec. 2. That the appraiser so appointed shall, previous to entering on the duties of his said office, enter into bond with at least two good and sufficient securities, such as shall be approved by the commissioners of such county, in the penal sum of two thousand dollars, which bond shall be made payable to the state of Ohio, conditioned that said appraiser shall do and perform all the duties of his office agreeably to law, which bond shall be deposited with the county auditor; and said appraiser shall moreover take and subscribe an oath or affirmation to be endorsed on his bond that he will faithfully and impartially perform the duties of his said office to the best of his skill and ability.

appraisers to
give bond and
security

to subscribe
an oath of office

Sec. 3. That if any person appointed appraiser as aforesaid shall not, within ten days after his appointment, give bond and security, or shall not take the oath or affirmation as required in the preceding section, the said office shall be considered vacant, and the county commissioners shall proceed to fill the same as in other cases.

when office
shall become
vacant and filled
by commissioners

Sec. 4. That the county auditor of each county shall, on or before the first day of April next, prepare a copy of the list of all lands and town lots, entered on the duplicate of the preceding year,

county auditor
to prepare lists

noting thereon all transfers which may have been made subsequent to the making out of such duplicate, and shall also enter thereon all new entries, and other lands and town lots lying within his county, which may come to his knowledge, and not previously entered for taxation, which shall be delivered to the appraiser on application, together with such maps and plats of townships or towns as may remain in his office, or as may be necessary to enable such appraiser to discharge his duties in a proper manner.

Sec. 5. That the appraiser shall immediately after the first day of April, and before the twenty fifth day of September next, proceed to list and appraise at its fair cash value all real estate, made taxable by the "act pointing out the mode of levying taxes," passed March 14, 1831, conformably with the provisions of said act; the excess over and above two hundred dollars on all houses, except the property exempted from taxation by the second section thereof, all town in lots and out lots subject to taxation; also, all buildings and other improvements erected on or affixed to school and college lands, or on lands granted for religious purposes; also, all buildings and other improvements in like manner erected upon or affixed to any town lots laid out on such school and college lands, or lands granted by Congress for religious purposes.

Sec. 6. That the appraiser shall call upon each and every person resident in his county, for a list of all lands, or town inlots and outlots owned by such person or persons lying within his county which may be subject to taxation, which list shall particularly set forth the name of the owner or owners, the number of acres of land on each particular tract, lot, section, or subdivision thereof, the range, township, section, quarter section, tract, lot, or part thereof, or the number of entry location, or survey and water course as the nature of the general or particular survey may require, so as to designate and identify the same, and in the Virginia Military District shall set forth the quantity of land contained in the original survey of which the tract listed is a part of the number of entry, water course and number of the original proprietor; also all inlots and out lots owned or held as aforesaid, with the number thereof as described on the record plan of said town or part thereof if it has been subdivided; also all buildings and other improvements erected on or affixed to school and college lands, or on lands granted for religious purposes: also all buildings and other improvements in like manner erected upon or affixed to any town lots laid out on school and college lands, or lands granted by Congress for religious purposes: also the number of dwelling houses of the value of two hundred dollars and upwards other than those erected on in and outlots within such county.

Sec. 7. That if the owner or owners of any property required to be listed and appraised by the preceding sections of this act shall be absent or unable to give in a list thereof when called upon by the appraiser: or if the owner or owners thereof shall not reside within the county and the owner or owners shall fail to deliver to such appraiser a list of his or their property as aforesaid, it shall be the duty

of said appraisers to make a list thereof, according to the best information he can obtain in the name of the owner if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted that the owner is unknown in the column of names.

how list shall
be completed

Sec. 8. That the appraiser shall complete his list taken as before provided, by placing on the same opposite to each tract of land listed the value, and opposite, to each town lot or part of lot the value of such lot or part of lot appraised in conformity with the provisions of this act, also the value of all buildings and other improvements erected upon or affixed to any lands or upon any town lots laid out on such lands, or on lands granted for schools, colleges or for religious purposes; also the number of dwelling houses of the value of two hundred dollars and upwards other than those erected on in or outlots within such county, shall be set opposite the name of the owner thereof.

owner notified

Sec. 9. That the appraiser shall at the time of making the appraisal and taking the lists required by the preceding sections of this act, inform the owner or owners, his, her or their agent or representative, if residing within the county, or shall leave a memorandum at his, her or their place of residence, of the amount at which their property has been appraised respectively, and of the time when the special board of equalization for the county will meet for the purpose of hearing and determining grievances, and to equalize taxes within the same.

abstract left
with county
auditor for his
inspection

Sec. 10. That the appraiser shall on or before the first Monday of November next, make out from the list and appraisments taken and made as herein before provided, a fair and correct abstract thereof by townships; which abstract said appraiser shall deliver to the county auditor, which shall be kept at the office of said county auditor, for the inspection of any owner of property contained on such abstract until the third Monday of November as aforesaid. And it shall be the duty of the county auditor to give four weeks public notice by advertisement in a newspaper, if one be printed in the county, or if no newspaper be printed in the county, by advertisement set upon the door of the court house, and at some public place in each township of the time and place when and where the special board of equalization for each county will meet for the purpose of hearing and determining grievances and to equalize taxes therein.

and to give
notice

auditor and
commissioner
a board of e-
qualization for
county

Sec. 11. That the county commissioners, county auditor, and appraiser or appraisers of each county in this state, shall constitute a special board of equalization for such county, who shall meet at the seat of justice for such county, on the third Monday of November next; and the county auditor shall produce to the said board the abstract returned to him by the appraiser; and said board or a majority of them shall have power to hear and determine the complaint of any owner or owners, his, her or their agent or representative, of any property contained on said abstract, which may have been listed and appraised by such appraiser, relative to the listing

and appraisal thereof, and to correct the same as right and justice may require; and said board of equalization shall moreover have power to equalize the valuations made by such appraiser, as herein before provided, either by adding to or deducting from any valuation made as aforesaid, such sum as to them or a majority of them shall appear just and equitable.

Sec. 12. That the county auditors of the several counties shall correct the said abstract agreeably to the orders and determinations of the board of equalization for their respective counties; and said county auditor shall make from such corrected abstract, and also from the abstract of the assessment and valuation of the property taken by the assessor of his county, for the year one thousand eight hundred and thirty four, a general abstract of all such property, real and personal, and insert therein the corrected valuation in the proper column; which general abstract said auditor shall certify and forward to the auditor of state, by the county treasurer of his county, at the time he is required by law to make his annual settlement with the state treasurer, or by some suitable person, on or before the fifteenth day of January, in the year one thousand eight hundred and thirty five.

and to correct
abstracts

general ab-
stract when to
be made

Sec. 13. That there shall be appointed by joint resolution of both houses during the present session of the General Assembly, one person resident of each congressional district, who, together with the auditor of state, shall constitute a board of equalization for the state, which board shall assemble at Columbus on the fourth Monday of January, one thousand eight hundred and thirty five; and when so met shall have power to equalize the valuation of the real estate in the several counties throughout the state, which they shall do by adding to or deducting from the valuation thereof, made by the appraiser and corrected by the county board of equalization as herein before provided for, by adding to or deducting from such per centum as to them shall appear just and reasonable.

state board of
equalization
how formed

Sec. 14. That the auditor of state shall make a record of the per centum to be added to or deducted from the valuation of the real property in the several counties of this state, in conformity with the orders of the state board of equalization, and shall transmit to the county auditors of the several counties in this state; the per centum so ordered to be added to or deducted from the valuation of real property therein as aforesaid; and the several county auditors in whose county additions or deductions shall have been made by the state board of equalization, shall correct the valuation of real property therein, in conformity therewith: Provided, that said county auditors, in correcting the valuations aforesaid, shall set down no fraction of a dollar; but if a fraction occurs of fifty cents and upwards, such fraction shall be increased to one dollar, and if such fraction shall be less than fifty cents it shall be omitted.

auditor of
state & coun-
ty to record
per centum
added or de-
ducted

Sec. 15. That the county assessors of each county in this state, shall in the year one thousand eight hundred and thirty four, list and assess all property subject to taxation, except so much as is provided to be listed and appraised under the provisions of this

county asses-
sor to list

bill by the county appraisers, and make return thereof in the time and manner required by law.

county audit-
or to make du-
plicates

Sec. 16. That the county auditors of the several counties within this state, in making out duplicates, and charging the taxes thereon for the year one thousand eight hundred and thirty five, and annually thereafter shall make out and charge the same from the general abstract, as hereinbefore provided.

commission-
ers, auditor &
assessor to
constitute a
board

Sec. 17. That the county commissioners, county auditor and county assessor, shall constitute a county board of equalization in their respective counties, and they or a majority of them shall meet on the first Monday of June, in the year one thousand eight hundred and thirty five, and annually thereafter, for the purpose of hearing complaints, and equalizing the assessment and valuation of all real and personal property within such county: Provided, that said board shall in no case reduce the aggregate value of real property within such county, as originally affixed by the state board of equalization: Provided further, that the county boards of equalization within the Connecticut Western Reserve, shall meet on the first Monday in May, to perform the duties specified in this section.

appraisers
compensation

Sec. 18. That the appraiser in each county, appointed in conformity with this act, shall receive for each day he shall be employed in performing the duties hereby required of him, the sum of one dollar and fifty cents; Provided, that the county commissioners in each county may give to the appraiser such additional compensation as they may think necessary; and the members of the special board of equalization for the several counties shall receive the sum of two dollars for each day they may necessarily be employed in the discharge of the duties required of them by this act, to be paid out of the respective county treasuries; the members of the state board of equalization shall receive the sum of three dollars for each day they shall respectively be employed in the discharge of the duties required of them by this act; and also the sum of three dollars for every twenty five miles travel to and from the seat of government, to be certified by the Governor and paid out of the state treasury, on the order of the auditor of state.

special state
board's com-
pensation

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

AN ACT explanatory of the act entitled "An act granting licences and regulating taverns," passed March 3d, 1831, and of the act amendatory thereto, passed February 25, 1836.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it is hereby declared to be the true intent and meaning of the fifteenth section of "An act granting licenses and regulating taverns," passed March third, one thousand eight hundred and thirty one, that no person, except persons

who may reside in cities, towns, or villages, or within one mile thereof, shall be deemed or taken to be a keeper of a tavern, unless such person shall keep in his or her house of entertainment for the purpose of sale, barter, or to be afforded gratuitously, to any person resorting to such house of entertainment, any liquors spirituous, vinous or malt, or any mixture of any or all the aforesaid liquors.

Sec. 2. That so much of the above recited act, or of the act amendatory thereto, passed February 25, 1833, as may be inconsistent with the provisions of this act, be, and the same is hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 24, 1834.

AN ACT to amend an act entitled "An act to provide for the taking of depositions."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That depositions taken pursuant to the provisions of the act to which this is an amendment, by any judicial or other officer residing in this state or elsewhere, having a seal of office, and who is authorized by that act to take depositions, shall be admitted in evidence by any court, referees or arbitrators, sitting in any county within this state, upon the certificate and signature of such officer, with his seal of office thereunto annexed; and no other or further act of authentication thereof, shall hereafter be required. But if such depositions were not taken by a judicial or other officer having a seal of office as aforesaid, then such depositions shall be further authenticated, in the manner required by the eleventh section of the act to which this is an amendment.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 24, 1834.

AN ACT declaratory of the law concerning contempts of Court.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the power of the several Courts of the State of Ohio to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except to the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice; the misbehavior of any of the officers of the said courts in ^{contempts de-} fined.

their officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said court, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of said courts, which charge shall be stated in writing, and the accused shall be heard in his defence by himself or counsel.

attempt to influence jurors, &c.
indictable.
how punished.
prosecution limited to one year.

Sec. 2. That if any person or persons shall, corruptly or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer, in any court of this State, in the discharge of his duty, or shall corruptly, or by threats, or force, obstruct or impede, or endeavor to obstruct or impede the due administration of justice therein, every person or persons, so offending, shall be liable to prosecution therefor, by indictment, before the court of common pleas of the proper county, and shall, on conviction thereof, be punished by fine, not exceeding one hundred dollars, or by imprisonment, not exceeding twenty days, or both, according to the nature and aggravation of the offence.

Sec. 3. That no prosecution shall be instituted for any offence specified in the second section of this act, unless it shall be commenced within one year from the commission of such offence.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 24, 1834.

AN ACT to amend the act entitled "an act to regulate the fees of officers in civil and criminal cases."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That constables shall be entitled to receive for the services hereinafter specified, the following fees, to wit: for the service and return of a capias in a civil case twenty five cents; for the service and return of a capias or warrant in a criminal case twenty five cents; and the same mileage as is provided in other cases.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 24, 1834.

AN ACT to provide for the removal of drifts and other casual obstructions to water courses.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any person or persons, who may be injured by reason of any drift or drifts of wood or other

substances causally produced in the channel of any stream or water course upon the lands of another, after three days notice previously given in writing to the owner or occupant of the lands upon which such drifts shall have collected, if such lands are occupied, and if not occupied, then without such notice, to enter, with such assistance as may be necessary, upon the lands on which such drift or other obstructions exists, and then and there to remove the same: Provided, that any person so entering as aforesaid, shall remain liable as at common law for any injury done or committed to the rights of the owner or occupant of said lands, which might be avoided in the removal of such obstructions: Provided also, that such person so entering as aforesaid, shall not have the right to remove off of the lands upon which such drift or obstruction may be situated, any of the substances composing such drift or other obstructions.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 21, 1834.

AN ACT to prevent dealing with convicts.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall buy, barter, or exchange any goods of any description, with any convict of the Ohio penitentiary, the property of the State, unless leave of the Keeper or Warden of said Penitentiary be first had, or shall sell or give any spirituous liquors of any description, to a convict, every such person shall forfeit and pay for every such offence, a sum not less than five dollars, nor more than one hundred dollars, to be recovered in an action of debt, at the suit and in the name of the Keeper or Warden of the Penitentiary, before any justice of the Peace having cognizance of the same.

Sec. 2. All fines and sums collected, shall be paid into the the State treasury for the use of the State.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 25, 1834.

AN ACT to amend "an act to regulate the practice of the Judicial Courts."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That, in any action founded upon any specialty, or other written contract, for the payment of money or the delivery of prop

erty, the defendant, by special plea, or by notice attached to and filed with the plea of the general issue may allege the want or failure of the consideration, in the whole, or in any part thereof, of such specialty or other written contract, as aforesaid. And if any specialty or other written contract for the payment of money or delivery of property, is alleged by either party in any other stage of the proceedings, the other party may aver in answer, and prove on the trial, the want or failure, in the whole or in part, of the consideration of such specialty or other written contract, as aforesaid: And whenever such specialty or other written contract for the payment of money or delivery of property shall be given in evidence, in any court, by either party without being pleaded, the other party may prove the want or failure of the consideration, in the whole or in part, of such specialty or other written contract, as aforesaid: Provided, that nothing in this section contained shall be construed to affect or impair the right of any bona fide assignee or assignees of any specialty or other contract in writing made negotiable by the law of this State, when such assignment was made before such instrument became due.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 24, 1834.

AN ACT to amend an act entitled "an act to regulate the practice of the Judicial Courts."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the supreme court are hereby authorized to permit either of the parties in any suit or other proceedings that may be brought before them by writ of error, to amend any defect in the process or pleadings after such writ of error shall have been allowed or brought, in the same manner and to the same extent that the court of common pleas is authorized to allow amendments, by the one hundred and fifth section of the act to which this is an amendment; such amendment to be permitted on payment of costs, and upon such other conditions as the supreme court shall in their discretion, and by their rules, prescribe.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 25, 1834.

AN ACT to provide for the punishment of certain crimes therein named.

Sec. 1. *Be it enacted by the General Assembly of the* physician or *State of Ohio,* That any physician, or other person, who shall

wilfully administer to any pregnant woman any medicine, drug, substance, or thing whatever, or shall use any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, or shall have been advised by two physicians to be necessary for that purpose, shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

others admin-
istering medi-
cine to preg-
nant women
or using other
means to pro-
duce abortion.
exception.
how punished.

Sec. 2. That any physician, or other person, who shall administer to any woman pregnant with a quick child, any medicine, drug, or substance whatever, or shall use or employ any instrument or other means, with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, or shall have been advised by two physicians to be necessary for such purpose, shall, in case of the death of such child or mother in consequence thereof, be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary not more than seven years, nor less than one year.

administering
to woman preg-
nant with
quick child or
using other
means to des-
troy such
child.
exception.
in case death
ensues deemed
guilty of a high
misdemeanor.
punished by
imprisonment
in penitentiary

Sec. 3. That if any physician, or other person, while in a state of intoxication, shall prescribe any poison, drug, or medicine, to another person, which shall endanger the life of such other person, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not more than one hundred dollars.

administering
when intoxi-
cated so as to
endanger life.
guilty of mis-
demeanor.
how punished.

Sec. 4. That if any physician, or other person, shall prescribe any drug or medicine to another person, the true nature and composition of which he does not, if inquired of, truly make known, but avows the same a secret medicine or composition; thereby endangering the life of such other person, he shall, upon conviction, be adjudged guilty of a misdemeanor, and be fined any sum not exceeding one hundred dollars.

administering
medicine a-
vowing it to be
a secret, and
thereby endan-
gering life.
guilty of mis-
demeanor.
how punished.

Sec. 5. That all prosecutions under the provisions of this act shall be by indictment before the court of common pleas in the county where the offence shall have been committed; and all persons imprisoned under the same, except under the provisions of the second section, shall be imprisoned in the jail of the proper county; and all fines imposed and collected under this act shall be paid into the county treasury of the county where such conviction shall take place, for the use of common schools within such county.

prosecution by
indictment in
county where
offence com-
mitted.
imprisonment
in county jail,
except breach
of 2d section.
fines appropri-
ated to com-
mon schools of
county.

Sec. 6. This act to take effect and be in force from and after the first day of June next.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 27, 1834.

AN ACT to amend the act entitled "An act to prevent Nuisances," passed February 28, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall put the carcass of any dead animal, or the offals from any slaughter house or butcher's establishment, into any river, creek, pond, road, street, alley, canal, lot, field, meadow or common; or if the owner or owners thereof shall knowingly permit the same to remain in any of the aforesaid situations, to the annoyance of the citizens of this State, or any of them; every person so offending shall, on conviction thereof before any justice of the peace of the proper township, be fined in any sum not less than one nor more than fifteen dollars.

Sec. 2. That the first section of the act entitled "An act to prevent Nuisances," passed February 28, 1831, be, and the same is hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 27, 1834.

AN ACT to amend the act entitled "an act to regulate black and mulatto persons," passed January 5, 1804.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases wherein a certificate is granted to any black or mulatto person, resident within this state, agreeably to the second section of the act to which this is an amendment, the clerk of the court issuing the same shall make or cause to be made, a record of the same, in a book provided for that purpose, and carefully preserved in said office, and on such record of the same being made, the said clerk shall indorse thereon the number of the same, the book in which, and the page or pages where such record is made, and shall forthwith, if required, deliver over the same to the individual for whose benefit it was intended, and it shall furthermore be the duty of the presiding judge of such circuit in which said certificate may be issued, on application being made to him by the holder of the same, to indorse thereon his certificate of the genuineness of the same: provided, that nothing in this act contained, shall be so construed as to bar the lawful claim to any black or mulatto person thus obtaining a certificate within this state.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 27, 1834.

AN ACT to amend the act pointing out the mode of levying taxes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of each county in this state, shall have power, and they are hereby authorized to levy such per centum for road purposes on any township within their respective counties, as they may deem necessary, not exceeding the amount authorized by the twenty second section of said act: Provided, the trustees shall determine and certify in writing, signed by at least a majority of them, the per centum to be levied, and deliver or cause to be delivered the certificate aforesaid, to the auditor of the proper county before the first Monday in May in each year.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

February 28, 1834.

AN ACT to amend an act entitled "An act for the relief of Insolvent Debtors."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases when lands and real estate shall be assigned or conveyed to the commissioner of insolvents of any county in this state, by virtue of the act to which this is an amendment, it shall be the duty of such commissioner of insolvents to summon three judicious disinterested freeholders of the county, who shall, after being duly sworn, appraise and value such land and real estate, and return to such commissioner their valuation in writing, under their hands and seals, which valuation the said commissioner shall carefully preserve in his office.

Sec. 2. That the commissioner of insolvents shall, in all cases, give at least thirty days notice of the time and place of sale of any land or real estate to be by him sold by virtue of the act to which this is an amendment, and no such land or real estate shall be sold for less than two thirds of the appraised value thereof, to be ascertained as provided in the first section of this act.

JOHN H. KEITH,
Speaker of the House of Representatives,
DAVID T. DISNEY,
Speaker of the Senate.

February 28, 1834.

AN ACT to amend an act securing the benefits of the writ of Habeas Corpus.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall be committed to prison, or be in custody of any officer for any criminal matter, by virtue of any warrant or

commitment of any justice of the peace of this state, having jurisdiction of such criminal matter, such person shall not be discharged from such imprisonment or custody by reason of any informality or defect of such warrant or commitment: Provided, such warrant or commitment shall show substantially a criminal matter for which such justice of the peace had jurisdiction so to arrest or commit.

JOHN H. KEITH,
Speaker of the House of Representatives,
 DAVID T. DISNEY,
Speaker of the Senate.

February 28, 1834.

AN ACT to amend "an act establishing boards of county commissioners."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when it shall become necessary in any county to elect a county commissioner for the full term of three years, and at the same time to elect one or more for a shorter period than the full term of service, in that office, the person having the highest number of votes shall be deemed to have been elected for the longest period, and the person having the next highest number of votes shall be considered to have been elected for the second longest period, and the person having the third highest number of votes shall in like manner be deemed to have been elected to said office for the shortest period: Provided, that when two or more candidates for that office shall have the highest and an equal number of votes, it shall be the duty of the clerk and judges or justices who shall open and certify the returns, as is provided in the act to which this is an amendment, to determine by lot who of such candidates shall be deemed elected, and the period for which each shall serve, not exceeding the term of service designated by law.

JOHN H. KEITH,
Speaker of the House of Representatives,
 DAVID T. DISNEY,
Speaker of the Senate.

February 28, 1834.

AN ACT concerning fugitives from justice.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall be brought before any justice of the peace within this state, charged with the commission of any criminal offence against the laws of any other state, or of any of the Territories of the United States, it shall be lawful, and it is hereby made the duty of such justice of the peace to hear and examine such charge, and upon proof, by him adjudged sufficient, to commit such person to the jail of the county

in which such examination shall take place, or to cause such person to be delivered to some suitable person, to be removed to the proper place of jurisdiction.

Sec. 2. That whenever any person is committed to jail by any justice of the peace, by virtue of this act, it shall be the duty of such justice of the peace forthwith to give notice, by letter, to be directed to the sheriff of the county in which such offence shall have been committed, or to the party injured by such crime or offence, which letter may be sent by mail; and no person so committed shall be delayed longer in jail than is necessary to allow a reasonable time to the person or persons so notified, after they shall have received such notice, to apply for the person so committed.

JOHN H. KEITH.

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

February 28, 1834.

AN ACT to provide for the support and better regulation of common schools.

WHEREAS, it is provided by the constitution of this state, that Preamble. schools and the means of instruction shall forever be encouraged by legislative provisions. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, that a fund shall hereafter be raised in the several counties of this state, in the manner pointed out by this act for the use of common schools, for the instruction of white youth of every class and grade, without distinction, in reading, writing and arithmetic, and other necessary branches of education: Provided, that nothing in this act contained shall prevent white persons above the age of twenty one years from participating in the benefits of said schools, who may pay into the hands of the school directors of the districts in which they may reside, such amount of tuition as may be agreed upon by said directors, which sum shall be paid into the treasury of the district for the use and benefit of the school fund of said district, and be applied as contemplated by the thirty second section of this act. a fund to be raised for the use of common schools.

Sec. 2. That for the purpose and use aforesaid, there shall be annually levied and assessed upon the ad valorem amount of the general list of taxable property in each county of this state, the property of blacks and mulattoes excepted, one mill on the dollar; which assessment shall be made by the county auditor, and collected by the county treasurer, in the same manner as all other taxes for state and county purposes are directed by law to be levied and collected: Provided, that the county commissioners of any county may, if they deem it expedient, at their annual session in June, direct the auditor of their county to levy, for the purpose aforesaid, amount of school tax and how levied & collected. Proviso, that county commissioners may add half

a mill on the said, one half mill on the dollar of the valuation of the taxable property in such county, in addition to the sums above named.

township trustees to lay off and alter school districts. **dis.** **Sec. 3.** That the trustees of each incorporated township in this state, where the same has not been already done, shall lay off their township into school districts, in the manner most convenient for the population and different neighborhoods thereof, paying due regard in so doing, to any school house already erected, school districts already laid off, incorporated schools, and to schools in villages or populous towns; and they may, from time to time, make such alterations in the districts as, in their opinion, the general good of the township and the convenience of the inhabitants may require: **proviso.** Provided, that no alteration of any district shall be made unless notice of the time and place at which the trustees will meet for the purpose of making the same, shall have been posted up in three public places in each district, in which an alteration is contemplated, at least twenty days prior to such meeting.

districts including a portion of two or more townships may be laid off or altered. **Sec. 4.** That when public convenience requires a school district to be so formed, as to include a portion of two or more adjoining townships, whether such townships be in the same county or not, a majority of the trustees of such adjoining townships may meet, and lay off a district in such manner as will best suit the population of their respective townships, and such district may at any time be altered by a majority of the trustees of such adjoining townships, under the restrictions contained in the preceding section of this act: **proviso.** Provided, that the concurrence of a majority of the trustees of each township shall be necessary for the formation or alteration of any such district.

description & number of district to be recorded by township clerk. **Sec. 5.** That it shall be the duty of the township trustees immediately after laying off or altering any district in their respective townships, to describe and number the same, and to deliver the number and description thereof to the clerk of the township, who shall record the same in the township records; and when any district shall be laid off from two or more adjoining townships, or being laid off, shall be altered, the number of such district, and a description of the several parts thereof lying in the different townships, shall be signed by a majority of the trustees of each township, and a copy thereof delivered to the clerks of the respective townships, and by them recorded as aforesaid.

when recorded to be delivered to the county auditor or. **Sec. 6.** That it shall be the duty of the township clerk in each township, within twenty days after he shall have recorded the same, to deliver the number and description of each district, and part of district in his township, and a description of such alterations as shall be made therein by the trustees from time to time, to the county auditor of his county, who shall file the same in his office.

districts how organized. **Sec. 7.** That when any school district shall be laid off agreeably to the provisions of this act, any householder may, for the purpose of organizing the same, call a meeting of the householders residing therein, by posting up notices in three public places in said district, of the time and place, and object of holding such

meeting, not less than ten days previous to such meeting; and such meeting, when convened and organized, by choosing a chairman to preside, shall choose a district clerk, who shall keep a record of all the proceedings of district meetings in such district; three school directors, to manage the concerns of the district; and a district treasurer; all of whom shall hold their offices until the first annual meeting thereafter of said district, and until their successors are chosen; and if any director, clerk, or treasurer, of any school district, appointed under the provisions of this act, shall refuse to serve as such, he shall forfeit and pay the sum of two dollars, to be collected by the treasurer of said district, before any justice of the peace of the township in which said district, or any part of it, may be situated, and applied by the directors thereof to the use of the schools in said district: ^{Provided, that no person shall be compelled to serve as a director, or clerk or treasurer two years in succession.} ^{officers elected for one year} ^{refusing to serve shall pay a fine of two dollars.} ^{proviso:}

Sec. 8. That there shall hereafter be an annual district meeting in each organized school district, which shall be held on the third Friday of October in each year, at the school house in said district, if there be one, and if there be none, then at such place as the school directors of such district shall appoint; and at all such annual meetings, they may transact all the ordinary business of the district, and shall elect three school directors, a district clerk, and a district treasurer for the ensuing year, who shall hold their respective offices until the next annual district meeting, and until their successors are chosen. ^{annual district meetings when and where to be holden.}

Sec. 9. That if the householders of any district shall fail to meet on the day appointed in this act, for the annual district meeting, or if, from any other cause, there be no election at said annual district meeting, any householder residing in the district, may call a meeting for the election of officers, in the manner prescribed in the seventh section of this act; and the persons elected at such meeting shall hold their offices until the next annual meeting, and until their successors are chosen. ^{if no election at annual meeting and any householder may call a meeting to elect officers.}

Sec. 10. That when any vacancy or vacancies shall occur in the office of school director by death, resignation, refusal to serve, or neglect of the district to elect their officers in the manner specified in the preceding section, or from any other cause, it shall be the duty of the trustees of the township in which such district, or the greater part of it, may be situated, on application made to them for that purpose, by any inhabitant of such district, to appoint some suitable person or persons to fill such vacancy or vacancies, who shall perform the duties required of school directors by this act, and shall hold his or their office or offices until the next annual meeting, or until his or their successor or successors are chosen; and in case there should be a vacancy by death, resignation or otherwise, in the office of clerk or treasurer, of any school district, it shall be lawful for the directors to fill the same. ^{when vacancies of school directors occur.} ^{township trustees shall fill the same on this application.} ^{when vacancies in office of clerk or treasurer occurs directors to fill the same.}

Sec. 11. That whenever, in the opinion of the school directors, a special district meeting may be necessary, they may call ^{special meetings how called}

the same, by posting up notices of the time, place and object of such meeting, in three public places in the district, at least ten days prior to such meeting.

directors may call special meeting to determine whether a tax shall be levied for the erection of school house etc.

Sec. 12. That whenever the school directors may deem it necessary to erect, repair, or complete a school house for their district, or to furnish such house, or to make any improvement on the school house lot belonging to the district, they may call a special district meeting, in the manner prescribed in the preceding section of this act, with this difference, that the notices shall be posted up at least twenty days prior to such meeting; and such meeting shall decide whether a tax shall be levied for any of the purposes aforesaid, the amount thereof subject to the restrictions hereinafter specified, and the time within which the same shall be paid, and at such meeting, all persons liable to taxation for the purposes aforesaid, and residing within the district, shall, if present, be allowed to vote; and no such tax shall be assessed except by a vote of three fifths of the voters present at such meeting.

who shall be allowed to vote at such meeting.

what amount of tax may be levied in any one year.

Sec. 13. That the amount of tax shall not exceed fifty dollars in any one year, unless at least one third of the property subject to taxation within the district be owned by persons residing therein; and in case one third or more, but less than half of the taxable property within the district, be owned by persons residing therein, such tax shall not exceed one hundred dollars; and in case one half or more, but less than two thirds of such property be owned by persons residing in such district, such tax shall not exceed one hundred and fifty dollars; and in no case shall such tax exceed two hundred and seventy five dollars in any one year.

site of the school house shall be fixed by district meeting.

Sec. 14. That the site of the school house shall be agreed on and designated by a district meeting, and a title secured previous to the assessment of any tax for the erection of such house; and no tax for any purposes named in the thirteenth section of this act, shall be levied on any land lying more than three miles from the site of the school house to be erected, completed or repaired, and no land of any non resident proprietor, once taxed for the purposes aforesaid, shall, by any alteration of districts, be again subject to taxation for the like purposes for the term of three years from and after the assessment of such tax.

what land not subject to school house tax.

tax how levied

Sec. 15. That if the meeting convened for that purpose decide that such tax shall be levied, the school directors shall apply to the auditor of the county, who, upon being furnished with a list of the names of all persons liable to taxation within such school district, shall furnish said directors with an abstract of all the property within said district, subject to such tax, not including the property of any black or mulatto persons and the said directors shall levy upon such property the amount of tax so agreed on by the meeting, and shall cause a duplicate thereof to be made out by the district clerk, or some other suitable person, and delivered to the district treasurer for collection; and in making out such duplicate, each householder residing in such district, on whose property such tax would not amount to fifty cents, shall be charged with fifty cents; and the

property of black and mulatto persons exempt from tax.

school directors may, at their discretion, commute any tax assessed under the provisions of this section, for labor or materials, to be applied under their direction, to the erection, completion or repair of a school house, in their district. may be commuted for labor or materials.

Sec. 16. That when it shall become necessary to divide any school district wherein a school house has been erected, and such division shall be so made as to render the school house of the old district suitable for the accommodation of either of the new districts, the directors of the old district shall sell the same to the highest bidder, after giving notice of the time and place of sale, which notice shall be posted up at three public places within said district, at least twenty days previous to the day of sale; and the said directors shall cause the avails of said sale to be divided between the districts which compose the old district, in proportion to their respective interests in said house; but if in such division of districts, the school house of the old district shall be so situated as to accommodate one of the new districts, said house shall be appraised at its value in cash, by three disinterested freeholders, under the direction of said directors; and said new district retaining said house, shall pay to the other district or districts such proportion or proportions of said appraisal, as may correspond with its, or their respective interests in said house. when district divided former school house may be sold in certain cases. manner of sale. avails to be divided in proportion to interests of districts. school house to be appraised in certain cases.

Sec. 17. That if the county auditor, when making an abstract of taxable property in any school district, as required in this act, shall find any tract of land to be divided by the boundary line of such district, as that part of a tract lies within three miles from the site of the school house for said district, and part thereof more than three miles from such site, he shall determine, from the best information in his possession, what proportion of such tract is situated within such district, and within three miles from the site of the school house, and make out such abstract accordingly; and the tax assessed on such part of a tract, shall be as valid as if the whole were subject to taxation within such district, and taxed entire. how to proceed when part of a tract is subject to taxation and part not.

Sec. 18. That the district treasurer, before he shall receive any tax, duplicate or any money belonging to his district, shall give bond to the directors of his district, and their successors in office, in such sum, and with such security, as shall be approved of by said directors; which bond shall be filed with the district clerk, and by him recorded. district treasurer to give bond.

Sec. 19. That the district treasurer, to whom a tax duplicate shall be delivered for collection as aforesaid, shall within the time prescribed by the district meeting for the payment of such tax, personally demand the same of the several persons charged thereon, if to be found within his county; and if such tax be not paid before the expiration of the time prescribed, such district treasurer may then collect the same by distress and sale of personal property, in the same manner as county treasurers are authorized to do in the collection of state and county taxes, and shall be allowed the same fees for his services under the provisions of this section, as are duty of district treasurer in collecting tax. treasurer's fees.

delinquent tax
on non resi-
dents how col-
lected.

allowed to county treasurers for like services; and if the tax so assessed on the real property of any non resident, shall remain unpaid for the space of three months after the expiration of the time prescribed as aforesaid, for the payment thereof, and if sufficient personal property belonging to such non resident cannot be found within the county, whereof to make such tax by distress and sale, the district treasurer shall then report such delinquent to the auditor of the county; and said auditor, in making out the duplicate of state and county taxes next thereafter, shall enter such delinquent district tax in a marginal column of such duplicate, and on a line with state and county tax on the same property; and such delinquent tax shall be collected by the county treasurer, at the same time, and in the same manner, as the state and county taxes charged on the same property are by him collected; and when so collected by the county treasurer, shall be by him paid to the treasurer of the school district in which such property is situated, on the order of the county auditor.

school direct-
ors made a
body corpor-
ate.

their power &
duties.

settlement
with treasurer

settlement
thereof enter-
ed on his
books.

concurrence
of two direct-
ors sufficient
to transact
business.

Sec. 20. That the directors of each school district, and their successors in office, shall be a body politic and corporate in law, and as such shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this state; and as such shall be capable of receiving any gift, grant, donation or devise, made to, and for the use of such district, and may receive a deed of conveyance or lease, for any land whereon to erect a school house, which deed or lease shall be made to the school directors and their successors in office, for the sole use of such district; they may when authorized by a district meeting, contract on behalf of such district, for the erection, completion or repair of a school house; they may employ a school teacher or teachers if necessary, male or female, for their district, and shall manage and superintend the concerns of the school or schools therein, and faithfully appropriate and expend in the support of such school or schools, all subscriptions, donations, dividends of school funds, and other moneys belonging to their respective districts, for that use: they shall annually settle with the treasurers of their respective districts, and examine their vouchers; and in settling with any district treasurer, who shall have received a duplicate of taxes for collection, as herein before provided, they may exonerate such treasurer from all liability on account of such taxes as they shall be satisfied he has been unable to collect; and a statement of every settlement so made with the treasurer, shall be entered in the books of the treasurer, and signed by the directors; and said directors shall perform all such other lawful acts as may from time to time be required of them by any district meeting, in their respective districts; and in all cases, the concurrence of any two of them shall be sufficient for the transaction of business: Provided, that no school shall be taught in any district school house, without first obtaining the consent of the directors of such district, or a majority of them.

Sec. 21. That all moneys that shall come into the hands of any

District treasurer, belonging to his district, shall be by him paid over on the written orders of the directors of such district, and not otherwise; and all such orders received and paid by the treasurer, shall be by him carefully filed and preserved; he shall also keep a book, in which he shall enter an account of all receipts and disbursements on account of his district; and at the expiration of his term of service, shall deliver to his successor in office, all books, papers and moneys in his hands, belonging to his district.

duty of treasurer in paying out money & keeping accounts.

Sec. 22. That all money which come into the hands of the trustees or treasurer of any original surveyed township in this state, accruing from the rents of any school lands belonging to such township, shall be by them annually paid over to the treasurer of their respective school districts, or parts of districts, in such township in proportion to the number of scholars in each district or part of district, between the ages of four and twenty one years; and all the money which shall come into the hands of the treasurer of any civil township, for the use of schools therein, shall be annually apportioned and paid over in like manner, to the treasurers of the several districts in such township.

township treasurers to pay school money to district treasurers.

Sec. 23. That it shall be the duty of every person sending a child to any district school, to provide his just proportion of fuel for the use of such school, which proportion shall be determined by the directors of the district, according to the number of children sent by each, but such indigent persons as in the judgment of the directors shall be unable to provide the same, shall be exempted.

fuel how provided.

Sec. 24. That if any person, liable to provide such fuel, shall not provide the same, on notice from any one of the directors, it shall be the duty of the directors to furnish such fuel, and to charge the person so in default the value of, or amount paid for, the fuel so furnished; and such directors may sue for and recover the same with costs.

persons liable for and not providing same may be sued by directors.

Sec. 25. That the clerk of each school district shall attend all district meetings, and record in a book, to be provided for that purpose, all the proceedings of such meetings, stating therein the time and place at which the meeting was held, and the object for which the meeting was convened, and the names of all the district officers elected; and if the meeting be convened under the provisions of the thirteenth section of this act, the clerk shall state in his record the names and number of the voters present, and the names and number of those who voted in favor of, and against a tax, and the time agreed on by the meeting for the payment of such tax, and no such record shall be invalid for want of form, provided it contain the substance: Provided, that at all meetings for the purpose of deciding whether a tax shall be levied for any of the purposes specified in this act, and the amount of such tax; less than one third of the householders of the district in which such meeting is held, shall not be considered a quorum for the transaction of business.

clerk shall attend all district meetings and record their proceedings.

record shall contain the names and number of voters and how they voted in certain cases.

proviso.

less than one third of householders cannot levy a tax for any purpose.

Sec. 26. That the record kept by the district clerk, may at

clerks record
subject to in-
spection.

copies thereof
may be de-
manded.

when made
evidence.

duty of dis-
trict clerk in
taking and re-
turning list of
children to
county audit-
or.

proviso.

how to take
enumeration
when district
comprises a
portion of two
or more town-
ships.

clerk to deliv-
er books etc.
to successor.

any time be inspected by any householder residing in the district; and the clerk shall make out and deliver to any person demanding the same, whether residing in such district or not, a certified copy of such record, or of such parts thereof as shall be demanded, on being paid therefor at the rate of ten cents for every hundred words contained therein; and such certified copy shall be received in all courts and places, as prima facie evidence of the truth of the matters therein stated,

Sec. 27. That the clerk of each school district shall annually, on the first Friday of November, take a list or enumeration in writing, of all the white youth in his district, between the ages of four and twenty one years, not including any who are married, and shall return the same to the auditor of his county, with his certificate endorsed thereon, that the same is a true enumeration to the best of his knowledge; and such clerk shall be paid for taking such enumeration, by the treasurer of his district, on the order of the directors, the sum of one dollar and fifty cents; and if any district clerk shall fail or neglect to take such enumeration, as specified in this section, he shall forfeit and pay for every such failure or neglect, the sum of three dollars, to be collected by the treasurer of his district, before any justice of the peace in the township in which said district or any part of it may be situated, and applied by the directors, as specified in the seventh section of this act: Provided, that if by sickness or any other unavoidable cause, the district clerk shall be prevented from taking the aforesaid enumeration, on the first Friday of November as aforesaid, it shall be lawful for him to proceed at any time within four weeks thereafter, to take such enumeration, but with reference to the aforesaid day.

Sec. 28. That if any school district shall be partly situated in an original surveyed township, or fractional township, to which belongs any of section sixteen, or other lands in lieu thereof, granted by Congress for the use of schools in such township or fractional township, or to which belongs any interest arising from the moneys for which such lands has been sold, the clerk of such district shall, in taking the annual enumeration of youth therein, as required in the preceding section, enumerate separately those residing in that part of the district situated in such original surveyed township or fractional township; and where any district comprises a part of two or more civil townships, the clerk shall specify in the enumeration of the youth, the township in which they severally reside.

Sec. 29. That the district clerk, at the expiration of his term of service, shall deliver to his successor in office, all the books, records and papers in his possession, relating to his school district.

Sec. 30. That the auditor of each county shall, immediately after his annual settlement with the county treasurer, apportion to the several school districts in such county, all the money then in the treasury of such county for the use of schools therein, as follows, to wit: all the money collected on the tax duplicate of any

township, for the use of schools, shall be apportioned to the several districts and parts of districts, in such township; all the money received from the State Treasury, on account of interest on the money accruing from the sale of section sixteen, or other lands in lieu thereof, shall be apportioned to the several districts, and parts of districts, in the original surveyed township, or fractional township, to which such land belonged; all moneys received by the county treasurer, on account of the Virginia Military School Fund, shall be apportioned to the several school districts, and parts of districts within the county, lying within the Virginia Military District; and all other moneys for the use of schools in the county, shall, if its appropriation is not otherwise directed by law, be apportioned to all the districts in the county: and all such apportionments shall be made to the several districts and parts of districts, in proportion to the number of youth therein, as returned by the district clerk, in November next preceding.

Sec. 31. That the county auditor shall open an account with each school district in his county, in a book to be by him kept for that purpose; and if any district in his county shall comprise a portion of two or more original surveyed or civil townships, he shall open an account with the parts of districts situated in the different townships; and he shall credit each district, and part of district with its annual apportionment, to be made as aforesaid, of the school fund in the county treasury; and on the application of the treasurer of any district, at any time after such apportionment shall have been made to the auditors shall give to such treasurer an order on the treasurer of the county, for the amount so credited to his district, or part of district, and shall charge the district, or part of district, therewith: Provided, that the district treasurer applying for such order, shall first produce to the auditor, a certificate from the clerk of the district, stating that such district treasurer has been duly elected, and has given bond according to law.

Sec. 32. That all the money which shall come into the treasury of any school district, for the use of schools therein, shall be appropriated on the orders of the directors, to the payment of the teachers of schools in such district, and to no other purpose whatever; and no order presented by any teacher to the district treasurer shall be by him paid, unless such teacher at the same time, exhibit such a certificate of qualification and moral character, from the examiners of schools in the county, as is required by the thirty seventh section of this act.

Sec. 33. That when any appropriation shall be made by the directors of any school district; from the treasury thereof, for the payment of a teacher they shall apportion the funds to the different divisions of the year, during which time the school shall be open to all the white children, all young men or women who have not attained the age of twenty one years, residing within such district; and if the sum so appropriated and applied to the payment of the teacher, shall be sufficient to pay the whole amount of his wages,

duty of county auditor in apportioning school funds to the several districts.

auditor to open an account with each school district, &c.

to give district treasurers orders on county treasury.

proviso.

school fund to be applied to the payment of teachers only.

directors shall apportion funds to different divisions of the year.

during expenditure of school fund, school to be free &c.

the residue thereof, if not raised by voluntary subscription shall be paid by those sending to such school in proportion to the number of scholars by them respectively sent to said school and the time they shall attend the same; and it shall be the duty of such teacher to keep an accurate account of the number of scholars sent by each person, and the length of time the same may have attended; and such account so kept, when sworn to by such teacher shall be deemed legal evidence in any court: **Provided**, That no money in the treasury applicable to the payment of teachers, shall be so applied unless the school to be taught shall continue three months: **Provided also**, that in those districts comprising a part of two or more original surveyed or civil townships, the school fund shall be so applied, that the several parts of the district divided by township lines shall receive the benefit of their separate funds.

proviso as to district funds.

the school funds of organized townships not districted within three years to be apportioned in other townships.

Sec. 34. That if any township already organized, shall not within three years after the passage of this act, and any township hereafter organized, within three years from the organization thereof; be districted according to the provisions of this act, and some district therein organized, all the money collected on the tax duplicate of such township, for the use of schools, shall be paid by the auditor of the county appropriated to the organized districts in the other townships of his county; and he shall so continue to do until such township be districted and some district therein organized: and all the money for the use of schools collected on the tax duplicate of any unorganized township, shall be retained in the county treasury until such township shall be organized, and for three years thereafter, unless sooner districted, and some district therein organized, according to the provisions of this act.

board of school directors created.

examinations to be in public.

Sec. 35. That there shall be in each county in this state a board of school examiners, to consist of five members, whose duty it shall be to examine all persons applying for examination to become teachers of common schools; all examinations by said board shall be in public, and at such place at the county seat as they may deem proper on the first Tuesday of each month, betwixt the hours of one o'clock and five P. M. and at such other times as said board may deem proper.

examiners may prescribe rules for their own government.

Sec. 36. That said board of examiners shall have power to make such by laws and regulations for their own government as they may deem proper, but shall in no case give a certificate to any person as a teacher unless he or she be found qualified to teach reading writing and arithmetic, and sustains a good moral character, and in no case shall a certificate given by said examiners be valid for a longer time than two years from the date thereof: **Provided**, said board may give certificates which shall be considered a license to teach for a less term than two years if they shall deem it expedient.

board to consist of five persons appointed by court of common law vacancies how filled.

Sec. 37. That said board of school examiners shall consist of five persons to be appointed by the court of common pleas, which five persons so appointed shall hold their offices for the term of two years; and said board so constituted shall have power to fill

all vacancies which may occur by death, resignation, or refusal to serve of any persons appointed by the court as above specified, and the person so appointed to fill such vacancy shall hold his office until the next term of the court, and until his successor is appointed and qualified, provided that any ^{three mem-} three members of the ^{bers a quorum.} aforesaid examiners shall be a quorum for any of the purposes herein specified.

Sec. 38. That it is hereby made the duty of the county board of school examiners in each county in this state to appoint one ^{county board} school examiner in each township in their respective counties, ^{to appoint an} whose duty it shall be to examine female teachers only, and in ^{appraiser in} granting certificates shall be governed by the same rules and regulations ^{each township} as the county board, by this act are governed, ^{to examine fe-} male teachers only.

Sec. 39. That all suits brought in behalf of any school district, ^{suits for and} except such as shall be brought against the treasurer thereof, shall ^{against school} be brought in the name of the district treasurer, for the use of each ^{districts, how} district, and when any suit in behalf of or against any district shall be entered in the court of common pleas, or supreme court of any county in this state, whether an original suit, or entered by way of appeal as certiorari, the prosecuting attorney of such county shall attend to the prosecution or defence thereof, in behalf of such district, as a part of his official duties; and in all suits against any district, leaving an attested copy of the process with the district clerk shall be considered as sufficient service thereof.

Sec. 40. That the court of chancery in this state, may enjoin the collection of any tax, for the erection, repair, or completion of a school house, when satisfied that the assessment thereof is illegal, ^{the collection} ^{of school} ^{house tax} may be enjoined.

Sec. 41. That the act entitled "an act to provide for the support and better regulation of common schools" passed March tenth, eighteen hundred and thirty one, and the act entitled "an act to amend the act entitled an act to provide for the support and better regulation of common schools," passed December twenty third, eighteen hundred and thirty one, and the act entitled "an act to amend an act to provide for the support and better regulation of common schools," passed February twenty fifth, eighteen hundred and thirty three, be, and the same are hereby repealed: Provided that the acts done, obligations incurred, the rights acquired, under the provisions of said acts shall remain and be in no wise altered or affected by this act. ^{acts repealed.}

Sec. 42. This act to take effect and be in force from and after the first day of June next.

JOHN H. KEITH,
Speaker of the House of Representatives.

DAVID T. DISNEY,
Speaker of the Senate.

February 28, 1834.

AN ACT to amend an act entitled "an act to authorize the establishment of poor houses."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That where the overseers of the poor of a township in

any county in this state; in which there is a poor house, shall be called upon to furnish temporary relief to any person under the provisions of the eighth section of the act, for the relief of the poor passed March fourteen, eighteen hundred and thirty one, the said overseers shall be and are hereby authorized and required to remove such person to the county poor house, provided such person is in a situation to be removed upon the order of the trustees of the proper township, directed to the board of directors of the poor house, and it shall be the duty of said directors to receive and take charge of said person in the same manner as if said person had obtained a legal settlement in said township, so long as in their opinion such relief may be necessary and proper.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

March 1, 1834.

AN ACT to amend "an act defining the duties of executors and administrators."

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That it shall be lawful for any creditor, heir, widow, devisee, or other person, who may be entitled to the whole, or to any part of the assets, which shall in the course of administration come to the hands of any executor or administrator, after the time allowed for the settlement of such estate shall have expired, or after the same shall have been settled by such executor or administrator before the proper court, if such claim shall have been previously liquidated as to its amount either by judgment or the admission of such executor or administrator, and the payment thereof shall be withheld, to commence suit against such executor or where bond has been given, to institute suit on the bond of such executor or administrator, suggesting the claim of such claimant, and that said estate has been wasted, or payment withheld; and upon the trial of such cause, it shall be lawful for the court before which such cause shall be tried, to give such judgment therein as the right and justice of the case shall require; Provided that nothing herein contained shall be construed to prevent any other claimant, from prosecuting a subsequent suit for the recovery of his or her portion of such assets, but all subsequent suits shall be prosecuted and judgment given therein in the manner herein before pointed out; Provided also that no associate judge, clerk of the court of common pleas or sheriff shall be appointed administrator or guardian by the court in their respective counties.

Sec. 2. That where the suit shall be instituted either against the executor alone or upon the bond of the executor or administrator, and no judgment shall have been previously obtained for the liquidation of such claim, it shall be lawful for such executor, or administrator or his or her securities to contest the validity of such

claim in whole or in part, in the same manner and to the same extent, as defendants are, or may be allowed to contest claims in other cases.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

March 1, 1834.

AN ACT to amend the act to provide for the revaluation of real property in this state.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if the county commissioners of any county in this state should neglect to appoint at their March session in the year one thousand eighth hundred and thirty four, an appraiser of real property, within said county agreeably to the first section of an act to provide for the revaluation of real property, in this state, then and in that case the said commissioners, are hereby authorized at any time thereafter to hold a special session for that purpose.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

March 1, 1834.

AN ACT further to amend the act entitled "an act concerning divorce and alimony.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the causes for which the supreme court is authorized to grant divorces, by the act to which this an amendment, said court shall have power to decree a divorce from the bands of matrimony in all cases of fraudulent contract, habitual drunkenness for three years, and for total or gross neglect of duty, and the applicant for a divorce shall in all cases distinctly set forth and specify in his or her petition the ground of such application. additional causes of divorce.

Sec. 2. That in all cases where divorces shall be applied for under this act, or the act to which this is an amendment, the complainant shall file his or her petition in the office of the clerk of the supreme court at least two months before the sitting of the said court, and if the adverse party is a resident of the county in which said petition is filed, the clerk, of the said court shall issue a summons directed to the sheriff of the county, which together with a copy of the petition shall be served on the said adverse party six weeks at least before the sitting of said court, but if the adverse party is not a resident of the county, then notice shall be given of the pendency of said petition by publication in some newspaper of mode of proceeding.
notice how to be given.

roviso.

general circulation in the county for the term of two consecutive months; Provided however that if the adverse party shall reside in any other county in this state, the applicant may at his or her election, give notice of the pendency of the suit by service of a summons and copy of the petition.

proceeding as
in chancery.

roviso.

Sec. 3. That all proceedings under this act or the act to which this is an amendment shall be as in chancery; Provided that nothing herein contained shall be so construed as to prevent a hearing and decision of the cause at the first term after the petition shall have been filed.

testimony
now taken

Sec. 4. That in all cases of divorce where the witness shall reside in the county they shall be examined in open court as in cases at law, but if the witnesses reside without the county or are unable to attend, their depositions may be taken as in other cases; Provided however that unless the adverse party shall reside within the county where the case is depending or within an adjoining county, or shall have an attorney residing within such county or counties the usual notice of the time and place of taking such depositions shall not be required, but notice of such time and place shall be given by publication in some newspaper circulating in the county where the case is depending for three consecutive weeks before the time of taking such deposition.

when wife the
complainant
husbands residence
no bar.

roviso.

Sec. 5. That when a wife shall file her petition under the provisions of this act or the act to which this is an amendment, praying for a divorce from her husband, the residence of the husband shall in no case be so construed as to preclude her from any of the provisions of this act. Provided the petitioner shall be a bona fide resident of the county wherein such application is made, and at least one year a resident of the state, next before the filing of her petition in the clerk's office of said court.

pealing
ause.

Sec. 6. That so much of the act to which this is an amendment as is inconsistent with the provisions of this act be and the same is hereby repealed.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

March 1, 1834.

AN ACT to prevent obstructing navigable streams therein named.

obstructing
navigation
Muskingum
river.

city.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall obstruct the navigation of the Muskingum river, or any of its navigable branches by felling trees, or throwing timber, stones or other impediments thereon, so as to prevent or impede the free passage of boats or other water craft such person or persons, shall for every such offence be fined in any sum not exceeding fifty dollars, or be imprisoned in

the jail of the county not exceeding ten days or both, at the discretion of the court.

Sec. 2. That all prosecutions by virtue of this act shall be by indictment: and all fines collected by virtue of this act shall be paid into the treasury of the county for the use of schools in such county.

JOHN H. KEITH,
Speaker of the House of Representatives,
DAVID T. DISNEY,
Speaker of the Senate.

March 1, 1834.

AN ACT to amend the act to provide for the sale of lands forfeited to the state for the non payment of taxes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditor of each county in which forfeited lands are situated, who did not sell the same agreeably to the provisions of an act passed March fourteenth eighteen hundred and thirty one, are hereby authorized and required to sell the same on the fourth Monday of June next, agreeably to the provisions of the act to which this is an amendment.

Sec. 2. That the county auditor shall pay over to the county treasurer of his proper county, the amount of moneys received from any such sales or sales, as may be made under this act, within ten days after such sale or sales, and the county treasurer shall retain forty per cent of the proceeds of all moneys arising from any such sale, after deducting the costs of advertising the same, for the use of such county to be expended in the improvement of the public roads, or for county purposes at the discretion and under the direction of the county commissioners of such county; and the treasurer of such county shall be entitled to two per cent on all moneys received by him under the provisions of this act and no more.

Sec. 3. That the county auditor of each county who may sell any land under the provisions of this act, shall within ten days after such sale, make return thereof to the auditor of state.

JOHN H. KEITH,
Speaker of the House of Representatives,
DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT further to amend the act entitled "an act to establish an Asylum for the education of the Deaf and Dumb persons, and for repealing all laws heretofore passed on that subject.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Ohio Asylum for educating the

deaf and dumb, be, and they are hereby authorized to admit into the institution all deaf and dumb persons being residents of this state, between the ages of twelve and twenty years, who shall produce satisfactory testimonials from the associate judges of the county in which they reside, or other respectable inhabitants thereof, that they are in indigent circumstances, and suitable persons to receive instruction.

Sec. 2. That all persons so admitted shall be supported in the asylum at the expense of the state, for a time not exceeding five years, at the rate of seventy five dollars each per annum, for which amount when certified by the secretary of the board of trustees, the auditor of state is authorized to give an order on the treasurer of state to be paid out of any moneys in the treasury not otherwise appropriated: Provided that the number of pupils admitted to the asylum at the expense of the state for the year commencing October first, eighteen hundred and thirty four shall not exceed thirty six, and not more than twelve shall be admitted in the same account in any succeeding year.

Sec. 3. That the sum of two thousand two hundred and thirty dollars, nine cents and nine mills now in the treasury of state belonging to the literary fund, be, and the same is hereby appropriated for the use, benefit, and support of the said asylum for educating the deaf and dumb, to be expended by the trustees of said asylum in the completion of their building, in making other necessary improvements, and for such other objects as the interests of the institution shall require; and it shall be the duty of the auditor of state, to draw an order, or orders for said sum upon the treasurer of state, in favor of the treasurer of said asylum, agreeably to the direction of the trustees of said asylum, as the same may be required, which order or orders the said treasurer of state shall pay when presented.

JOHN H. KEITH.

Speaker of the House of Representatives.

DAVID T. DISNEY.

Speaker of the Senate.

March 3, 1834.

AN ACT to amend the eighth section of the act defining the duties of supervisors of roads and highways.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all fines, forfeitures, and penalties that may be collected by supervisors of roads, and highways, under the provisions of the eighth section of the act to which this is an amendment, shall be expended on the roads and highways in the proper district by the supervisors collecting the same: any thing in said section to the contrary notwithstanding, and every supervisor is hereby required to account to the trustees of the township at the annual set-

ement for all money by him expended under this act.

JOHN H. KEITH,
Speaker of the House of Representatives.
 DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT to amend the act entitled an act to provide for the incorporation of townships passed March 5th 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all applications for the erection of any new township, or alteration of the boundaries of any township heretofore laid off, shall be made to the county commissioners by petition, signed by a majority of the householders residing within the boundary of such proposed change or alteration, provided that thirty days previous notice of such intended application shall first be given by advertisement, at three public places within the bounds of such proposed change or alteration.

Sec. 2. That so much of the second section of the act to which this is an amendment, as is contrary to the provisions of this act, be, and the same is hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
 DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT to amend the act entitled "an act relating to Wills."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every last will and testament, hereafter made according to the provisions of the act to which this is an amendment, which shall contain a devise of lands, tenements or hereditaments, shall be construed to convey a fee simple; and the devisee shall take all the estate which the deviser had in the property or thing devised, unless it appears by express words or manifest intent, that a lesser estate was intended.

JOHN H. KEITH,
Speaker of the House of Representatives.
 DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT to exempt from military duty in time of peace, the members of any fire company in this state.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every member, now belonging, or who

may hereafter, attach themselves to any fire engine company in this state, be, and he is hereby exempt from military duty in time of peace, so long as he may be, and remain a member of the same, and conform to all the duties, rules and regulation thereof; any law, usage or custom to the contrary notwithstanding, Provided the name of every person attached to any fire engine company as aforesaid, shall be returned by the officer, under whose authority he acts, to the presiding officer of the next court of enquiry for the assessment of fines, in the proper regiment, squadron, or battalion on or before the next sitting of the same, in each and every succeeding year; and such officer failing or neglecting to make such return, shall be subject to the same fines, and penalties as officers of the line now are by law, and shall be proceeded against in like manner.

JOHN H. KEITH,
Speaker of the House of Representatives,
 DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT to amend the act, entitled an act defining the powers and duties of Justices of the Peace and Constables in civil cases.

constables fail
 ing to make
 return &c.

Justices may
 issue scire fa-
 cias against
 him.

what judg-
 ment entered
 in such cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases when any constable within this state shall fail to make return as is provided in the act to which this is an amendment, or shall make a false return, or refuse to pay over any money by him collected or received in his official capacity, it shall be lawful for any justice of the peace within the township where said delinquent constable may reside or be, being satisfied thereof on application of any person or persons aggrieved thereby, his, her, or their agent or attorney, to forthwith issue a scire facias against said constable directed to any responsible individual, who may be named by said justice, and who will consent to serve the same, commanding said constable to appear before said justice to shew cause why an execution shall not issue against him; and if the constable neglect to appear within five days from the time of serving said writ, or does not shew proper cause why execution should not issue against him, then and in that case, the justice shall enter judgment against said constable for the amount of the damages sustained, together with costs and the per cent penalty, on which judgment there shall be no stay of execution, and the justice shall forthwith issue execution for the amount of such judgment, which execution may be directed to any person the justice may think proper, who will serve the same, whose duty it shall be to collect the money on such execution in the same manner as constables by the act to which this is an amendment are bound to do, together with such costs as constables by said act are authorized to collect and receive in similar cases.

Sec. 2. That in all cases where any judgment shall be rendered against any constable for failure to pay over any money by him collected or received in his official capacity, or shall fail to make return, or shall make a false return, and become liable to the party injured thereby, an execution shall have been issued and returned unsatisfied for the want of property whereon to levy or other good cause, it shall be lawful for any justice of the peace, by whom the aforesaid judgment was rendered, upon request of the plaintiff, to issue scire facias against the security or securities of such constable, and make him, or them, parties to the same. judgment against constables for failing to pay over money.
securities may be made parties thereto.

Sec. 3. That such security or securities may, at the return of such scire facias, set up any matter which may have arisen subsequent to entering judgment against the original judgment debtor, in his, her, or their defence; and in case the security or securities do not show sufficient matter of defence, at the return of said writ of scire facias; wherefore judgment should not pass against him or them, the justice before whom the same is made returnable, shall render judgment against such security or securities for the amount of the judgment, interest and cost rendered against said constable, or any part thereof remaining unpaid, and award execution thereon as [in] other cases, any law to the contrary notwithstanding: security may set up certain matters in defence. Provided, that the goods and chattels of any such security shall not be liable to be taken on any such execution, when sufficient goods and chattels of the constable against whom execution may be issued, can be found to satisfy the same. Proviso.

Sec. 4. That in all cases the justice of the peace before whom the original proceedings authorized by the first section of this act are had, shall have the same power to proceed against the security or securities of any constable who may reside out of his township, as he is authorized against constables by the ninety second section of the act to which this is an amendment: Provided, that in all cases the scire facias shall be issued not more than twelve days, and served not less than five days before the return day thereof. Justices jurisdiction in such cases.

Sec. 5. That no judgment shall be rendered against any security or securities of any constable, when it shall appear to such justice that such security or securities have on previous judgment paid to the same or other judgment creditors the full amount of the money named in the bond in which he or they are security to such constable. when action is barred.

Sec. 6. That when a writ of scire facias has been issued according to the provisions of the eighty eighth section of the act entitled an act defining the powers and duties of justices of the peace and constables in civil cases, passed March fourteenth, eighteen hundred and thirty one, such writ shall be served in the manner pointed out in the eighty eighth section of the act to which this is an amendment, in all cases where the defendant resides or may be found in the county where such writ issues, and where the defendant does not reside or cannot be found in the county and the sheriff shall twice return "nihil," the court shall render judgment how scire facias shall be served.
twice nihil equal to service

and award execution in the manner pointed out in the eighty ninth section of the act to which this is an amendment.

repealing
clause.

Sec. 7. That any thing contained in the act, to which this is an amendment, which is contrary to the provisions of this act, be, and the same is hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT further to amend the act defining the powers and duties of justices of the peace and constables in criminal cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be allowed and paid to witnesses in criminal cases, where the state fails at any stage of the prosecution or where the party convicted proves insolvent such fees as are allowed in other cases to be paid out of the county treasury upon the order of the county auditor, in the same manner as is provided by law for the payment of fees for justices and constables in similar cases.

Sec. 2. That it shall be the duty of any justice of the peace upon whose docket any witness or constable shall have fees or costs entered and unpaid as above provided for, to deliver to said constable or witness on demand a brief certified transcript thereof, stating the case and the items and amount of said cost or costs, for which said justice shall not be allowed any fees.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT further to amend the act to regulate the times of holding the judicial courts.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas, for the counties of Carroll, Columbiana, and Jefferson, in the fifth judicial circuit shall be holden as follows, to wit: in the county of Carroll on the fifth day of May, the eighteenth day of August and on the eleventh day of November; in the county of Columbiana on the twelfth day of May, the twenty fifth day of August and the seventeenth day of November; in the county of Jefferson on the twenty sixth day of May, the first day of September and twenty fourth day of November.

Sec. 2. That so much of the sixth section, of the act to regu-

late the times of holding judicial courts passed February fifth, eighteen hundred and thirty four as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

March 3, 1834.

AN ACT for the prevention of injuries to the Columbus and Sandusky Turnpike Road, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall purposely and maliciously, break, deface, or otherwise injure, or remove from their proper place, any of the mile stones, or mile posts, or boards containing the rates of toll, or do any injury whatever, to the gates, culverts or bridges, consisting of wood or stone, belonging to the Columbus and Sandusky turnpike company, as the same is now or may hereafter be constructed, every person so offending shall, upon conviction thereof, be fined a sum not less than five, nor more than fifty dollars, and pay all damages consequent upon such offence, over and above the said forfeiture. ^{breaking mile stones &c.}

Sec. 2. That if any person or persons shall purposely fill, choak or otherwise obstruct, any of the side drains, vallies or culverts, or ditches, that are now made, or may hereafter be made, to convey the water from said road, or shall connect any private road or cartway with said road, without connecting the same with the said turnpike road, by a paved valley, or stone or wooden bridge, so constructed, as to secure a free passage for the water along such side drain, where such private road or cartway connects with said turnpike road, every person so offending shall be fined in a sum not less than one, nor more than twenty dollars, over and above the expense of removing such obstruction. ^{obstructing drains &c.}

Sec. 3. That if any person shall permit his wagon or team, or either of them, to stand over night, within twenty feet of the centre of said road, now made, or hereafter to be made, or shall at any other time, stand the said wagon [and] team, or either of them within the space above mentioned, for the purpose of feeding, or if he shall in any other manner purposely and wilfully obstruct the travel on said road, every person so offending shall upon conviction thereof, for every such offence, be fined in a sum not less than one, nor more than five dollars. ^{standing wagon or team on road over night.}

Sec. 4. That all prosecutions under the foregoing sections of this act, shall be by complaint on oath or affirmation, by any person or agent, employed by the aforesaid company, before any justice of the peace, and all the fines so collected shall be paid over to the said person or agent employed, for the benefit of said company. ^{mode of prosecution and appropriation of fines.}

supervisors
may connect
other roads
therewith.

Sec. 5. That the supervisors of roads and highways, through whose district the said Columbus and Sandusky turnpike road may pass, are hereby severally authorized and required, at the connection with, or intersection of any state, county or township road, which now is, or may hereafter be established, under the laws of the state, within their respective districts, to build and keep in repair a good and sufficient culvert or bridge, or paved valley, or other good and sufficient fixture, in such manner as to admit of a free passage for the water along the side drain, or side drains of said turnpike road, at the connection or intersection aforesaid, and according to the grade thereof, as established by the said Columbus and Sandusky turnpike company.

time for com-
pleting road
extended.

Sec. 6. That the above named company be, and they are hereby authorized, by this General Assembly, to extend the time of finishing the turnpike road that they are now constructing, from Columbus to Sandusky city, to the first day of October, eighteen hundred and thirty five.

repealing
clause.

Sec. 7. That so much of the act as relates to "an act to incorporate a company to construct a turnpike from Columbus to Sandusky city," passed January thirty first, eighteen hundred and twenty six, as comes within the purview of this act, be and the same is hereby repealed.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT to amend the act to provide for the internal improvement of the state by navigable canals.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for making application and adjusting claims for damages done to the property of individuals, as contemplated in the eighth section of the act entitled an act to provide for the internal improvement of the state of Ohio by navigable canals, passed January twenty eight, eighteen hundred and twenty five, be, and the same is hereby extended to the first day of December, eighteen hundred and thirty four, any law to the contrary notwithstanding: Provided that nothing herein contained, shall be so construed as to authorize any person or persons whose claims have heretofore been presented and adjudicated upon, to again present said claims for adjudication and allowance.

JOHN H. KEITH,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT concerning bail in criminal cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall and may be lawful for any person or persons, ^{bail may sue} who shall and may be bail in any case of recognizance or bond ^{render principal.} for the appearance of any defendant or defendants, before any court in this state, to surrender and deliver up, in vacation of such court, such defendant or defendants in discharge of such recognizance on bail bond, in the manner hereinafter provided.

Sec. 2. That the surrender of such defendant or defendants mentioned in the first section of this act, shall be made to any ^{any judge may receive the} judge of the court before which he, she or they shall have been recognized to appear, and shall be made in the court house in the proper county; and upon such surrender being made and accepted, it shall be lawful for the judge taking the same, to make out sign and deliver to the sheriff or some constable of the county, a warrant for the commitment of such defendant or defendants to the jail of the county, unless he, she or they shall immediately enter in- ^{and commit} to a recognizance with sufficient securities, to the satisfaction of ^{principal, un-} said judge, according to the original recognizance, which bond ^{less recogniz-} such judge is hereby authorized to take and approve, and to file ^{ance is renew-} the same forthwith in the office of the clerk of the court of common pleas for such county.

Sec. 3. That all commitments made by any judge for a neg- ^{effect of such} lect or refusal to enter into a new recognizance, in the manner ^{commitment.} specified in the second section of this act, shall have the same force and effect in law, as if such commitment had been ordered by the court in term time.

JOHN H. KEITH,
Speaker of the House of Representatives.

DAVID T. DISNEY,
Speaker of the Senate.

March 3, 1834.

AN ACT to provide for the inspection of Salt.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be an inspector of salt at Cincinnati, in ^{inspectors at} Hamilton county, and at Portsmouth, in Scioto county, who shall be ^{Cincinnati &} appointed by the judges of the courts of common pleas, of said coun- ^{Portsmouth.} ties respectively at the first terms thereof, holden after the first day of June next, and the courts of common pleas of the several coun- ^{others may be} ties in this state may appoint inspectors of salt at such other places ^{appointed.} as they may deem expedient.

Sec. 2. That all salt manufactured out of and imported into this ^{when subject} state in barrels or casks at any place where an inspection of salt is ^{to imprison-} established or shall hereafter be established, unless previously in- ^{ment.} spected, before the same is sold, removed, or reshipped from the

place of landing, or before the same shall be permitted to enter either of the canals of this state, shall be inspected as hereinafter directed: Provided, that nothing in this act shall be construed to subject salt to inspection that is landed and intended to be reshipped to any other state.

proviso.

inspector shall
take an oath
& give bond.

Sec. 3. That every inspector of salt before he proceeds to act, shall make oath before some person authorized to administer the same, that he will well and faithfully execute the duties of an inspector of salt agreeably to the provisions of this act; and shall, moreover, enter into bond to the state of Ohio, in a penalty affixed by said court with good security to be approved by said court, which bond shall be deposited with the treasurer of such county, conditioned for the prompt and faithful discharge of the duties of his office, which bond may be sued on by any person who is injured by a breach thereof, in the name of the state of Ohio for the use of the person injured.

shall provide
an augur.

description
thereof.

how inspec-
tion shall be
made.

brands.

Sec. 4. That every inspector of salt appointed under the provisions of this act, shall immediately thereafter provide himself with an augur, such as is used by the inspectors of flour, and shall bore a hole in the head of each barrel or cask by him to be inspected, not exceeding one inch in diameter, and shall run the augur through to the other end of said barrel or cask in a diagonal direction and shall procure a fair sample of said salt, and if the said salt is of the first quality, he shall inscribe on the head thereof, in fair and legible characters, No. 1; and if of the second quality, he shall inscribe in like manner, No. 2; and if of a very inferior quality, he shall inscribe the letter R thereon, which will stand for, "refuse or rejected;" and the said inspector shall cause the same to be branded above the number or letter, inspected, with the inspector's name below, and shall cause a brand to be made for that purpose.

inspector's
compensation

deputy may
be appointed.

Sec. 5. That the said inspector shall receive from the person who shall own or have charge of the salt at the time of inspection, three cents for each barrel or cask by him inspected.

Sec. 6. That any inspector of salt after he has been appointed and has taken the oath, and executed the bond required by this act, may appoint a deputy to assist him in the discharge of the duties of his office, for whose acts the said inspector shall be liable upon his bond in the same manner, and to the same extent as if the act was performed by himself.

importers du-
ty.

Sec. 7. That it shall be the duty of the importers of salt to call upon the inspector, and place the salt in some convenient situation to be inspected, and it shall be the duty of the inspector to inspect and brand the same with all-reasonable dispatch.

penalty for
selling import-
ed salt with-
out inspection

Sec. 8. That any person who shall sell any salt liable to inspection by this act, at any place where an inspection is or may hereafter be established, or shall remove, or permit the same to be removed from the place of landing, or shall enter the same, or procure the same to be entered into either of the canals of this state without having the said salt inspected, shall forfeit and pay the same

of one dollar for each and every barrel or cask by him so sold, removed, or permitted to be removed, entered, or procured to be entered, to be recovered in an action of debt in the name of the state of Ohio, by any person suing for the same before any justice of the peace for the county in which such offence is committed; one half of the sum so recovered to be applied to the use of common schools of said county, and the other half to the complainant: lines appropriated to common schools. Provided, however, that if any salt shall be once regularly inspected by virtue of this act by any inspector of salt in this state, said salt shall not be required to undergo an inspection at any other place.

JOHN H. KEITH,

Speaker of the House of Representatives.

DAVID T. DISNEY,

Speaker of the Senate.

March 3, 1834.

SECRETARY OF STATE'S OFFICE,

COLUMBUS, MARCH 29, 1834.

I certify the foregoing acts to be correct copies from the original rolls remaining on file in this office.

B. HINKSON, *Secretary of State.*

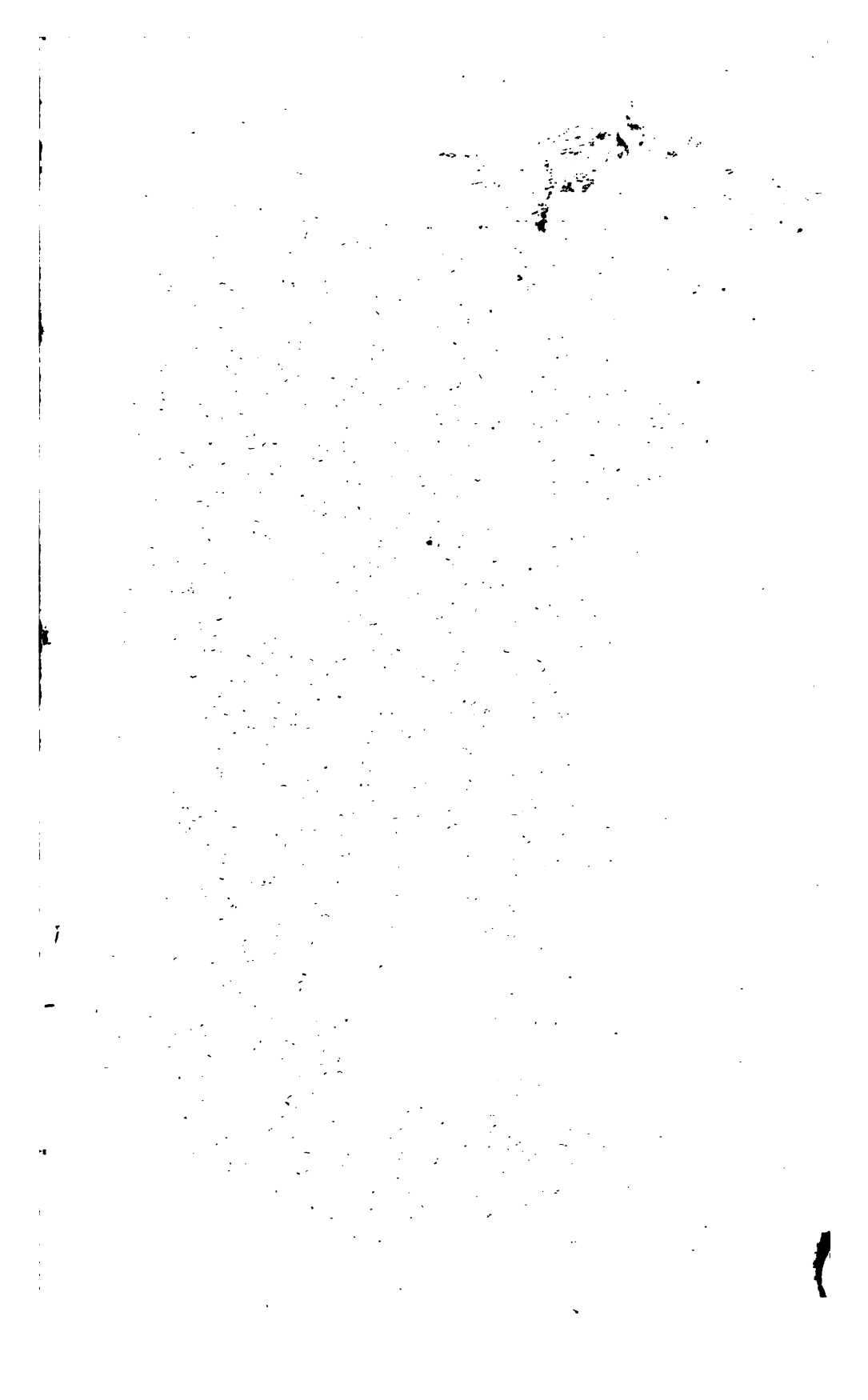


INDEX.

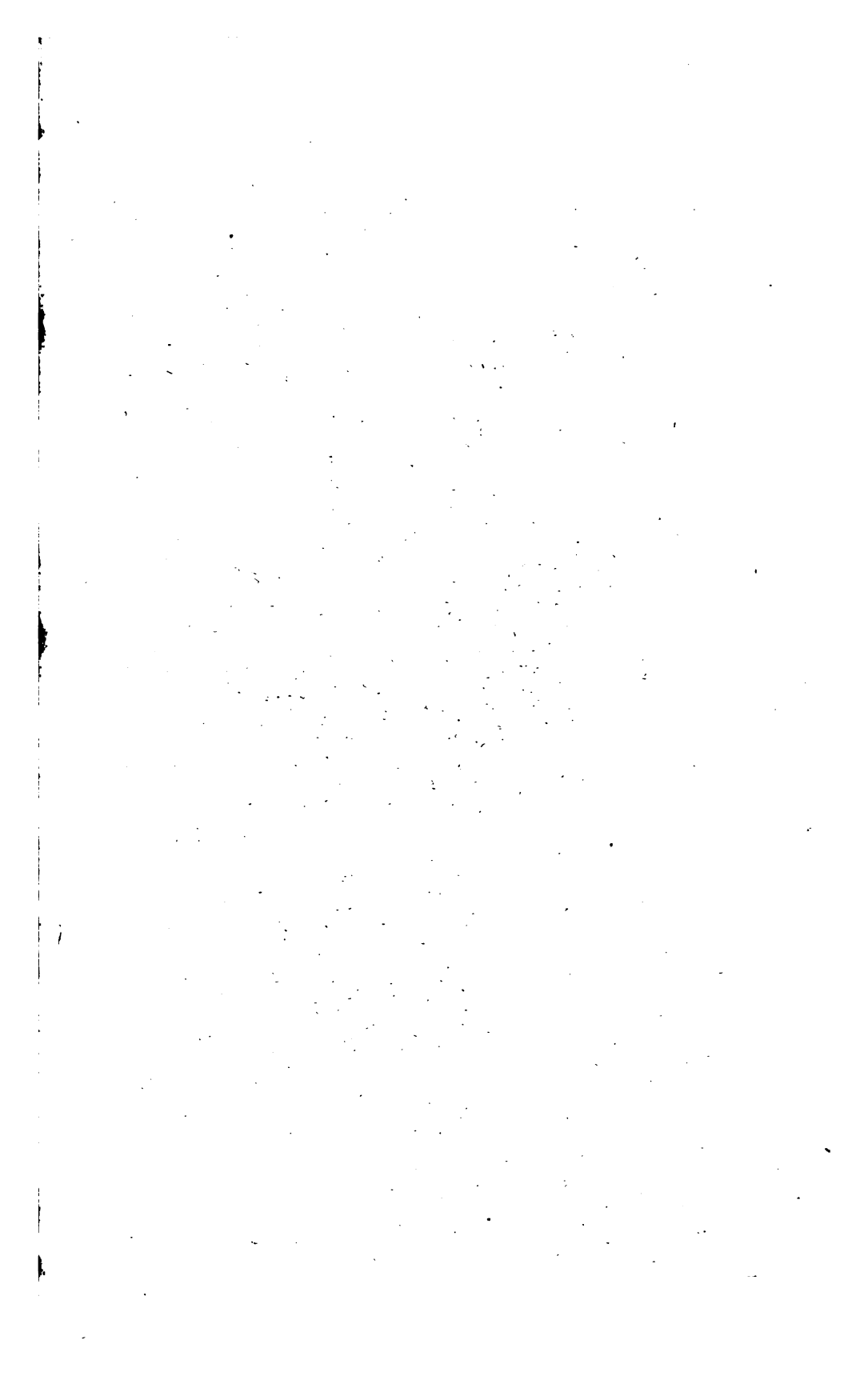
	Page.
AN ACT to regulate the time of holding the Judicial Courts	3
“ to amend an act entitled “an act to protect the Fur trade in the county of Huron”	8
“ to amend an “act regulating sales at auction”	9
“ to repeal the proviso of the ninth section of the “act to authorize the selection, location, sale and application of the proceeds of the lands granted by Congress to aid the state of Ohio in extending the Miami Canal”	ib.
“ dividing the state of Ohio into Judicial Circuits	ib.
“ for the relief of the purchasers of the Miami Canal Lands	10
“ fixing the age of majority	ib.
“ further to authorize notaries public to take affidavits and administer oaths	11
“ to amend the act regulating the times of holding the judicial courts	ib.
“ to provide for the revaluation of real property in this state	12
“ explanatory of the act entitled “an act granting licenses and regulating taverns” passed March 3, 1831 and of the act amendatory thereto, passed February 25, 1833	16
“ to amend an act entitled “an act to provide for the taking of depositions”	17
“ declaratory of the law concerning contempts of court	ib.
“ to amend the act entitled “an act to regulate the fees of officers in civil and criminal cases	18
“ to provide for the removal of drifts and other casual obstructions to water courses	ib.
“ to prevent dealing with convicts	19
“ to amend “an act to regulate the practice of the judicial courts”	ib.
“ to amend an act entitled, “an act to regulate the practice of the judicial courts”	20
“ to provide for the punishment of certain crimes therein named	ib.
“ to amend the act entitled “an act to prevent nuisances” passed February 2, 1831	22
“ to amend the act entitled “an act to regulate black and mulatto persons” passed January 5, 1804	ib.
“ to amend the act pointing out the mode of levying taxes	23
“ to amend an act entitled “an act for the relief of insolvent debtors”	ib.
“ to amend an act securing the benefits of the writ of habeas corpus”	ib.
“ to amend “an act establishing boards of county commissioners”	24
“ concerning fugitives from justice	ib.
“ to provide for the support and better regulation of common schools	25
“ to amend the act entitled “an act to authorize the establishment of poor houses”	35
“ to amend an act defining the duties of executors and administrators”	36

INDEX

	Page.
AN ACT to amend "the act to provide for the revaluation of real property in this state	37
" further to amend the act entitled "an act concerning divorce and alimony"	ib.
" to prevent obstructing navigable streams therein named	33
" to amend the act to provide for the sale of lands forfeited to the state for the non payment of taxes	39
" further to amend the act entitled "an act to establish an Asylum for the education of the deaf and dumb persons, and for repealing all laws heretofore passed on that subject"	ib.
" to amend the eighth section of the act defining the duties of supervisors of roads and highways	40
" to amend the act entitled an act to provide for the incorporation of townships passed March 5th 1831	41
" to amend the act entitled "an act relating to Wills"	ib.
" to exempt from military duty in time of peace, the members of any fire company in this state	ib.
" to amend the act entitled an act defining the powers and duties of justices of the peace and constables in civil cases	42
" further to amend the act defining the powers and duties of Justices of the peace and constables in criminal cases	44
" further to amend the act to regulate the times of holding the judicial courts	ib.
" for the prevention of injuries to the Columbus and Sandusky turnpike road and for other purposes	45
" to amend the act to provide for the internal improvement of the state, by navigable canals	46
" concerning bail in criminal cases	47
" to provide for the inspection of salt	ib.



ther





Stanford Law Library



3 6105 063 632 579

